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Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 10
Technical assistance and capacity-building

Written statement* submitted by Agence pour les droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1801563

Please recycle

The Situation of Human Rights in Yemen*

The use of force in all its forms is prohibited by international law, and in fact the principle of the prohibition of the use of force is a rule of thumb, which obliges governments to avoid violence and use of military force as the main symbol of resorting to force against other states or countries.

Since March 26, 2015, an Arab coalition led by Saudi Arabia has attacked and thrown blood into the country of Yemen under the pretext of returning the power to the Yemeni president. According to reports from internal sources in Yemen, the targeting of civilians by Saudi-led coalition aircraft is one of the most important events, which has recently been a source of concern for human rights activists. In the following, some of the news coming from Yemeni internal sources are reported along with crimes committed recently:

On December 25, 2017, Saudi-led coalition fighters targeted a tax administration in the city of Dhamar, in which a number of civilians were killed or wounded.

On December 26, 2017, Saudi-led coalition fighters targeted a civilian vehicle on the main road of al-Hadida, killing and wounding a large number of citizens, including women and children.

Also, in December 2017, in Sana'a, Saudi-led coalition fighters deliberately targeted civilian vehicles on the main road of Asiran Street and the Egyptian monument surrounded by houses, resulting in many civilian casualties, including women and children.

At the same time about 50 people were killed and wounded in a brutal airstrike by Saudi-led coalition forces targeting Al-Shahra market in the city of Taiz, where many people were missing under the rubble.

Over the past two months, continuous air strikes have been reported in Sana'a, Sa'adah, Dhamar, Taiz, and Hadidah, resulting in a large number of civilian casualties, including women and children.

The waiver of this serious violation of international humanitarian law by Arab coalition, which does not avoid the targeting of neighborhoods and citizens' homes as well as civilian places without punishment, is by itself a great crime, and the weakening of human rights in Yemen overlooks human rights of all citizens across the world.

In the meantime, the Saudi invasion, under the aegis of the International Court of Justice regarding prohibition of resorting to force, has been an illegitimate invasion and violation of the sovereignty of the independent country of Yemen, and it is in fact, a serious threat to regional and international peace and security.

There is no longer any need to talk about the humanitarian crises in Yemen, including poverty, hunger, illnesses, and child mortality, since the international community is aware and accordingly, a lot of news has been published in this regard. Several concerns have been expressed in several months by Amnesty International, Human Rights Watch and the United Nations; however, there are concerns that no positive measures have been taken for the Yemeni people. Moreover, despite the European Parliament's approval concerning the prohibition on stopping arms sales to Saudi Arabia, unfortunately, European companies have continued to sell weapons and, therefore, have left Saudi Arabia free to continue the attacks and killings of innocent people.

The Human Rights Agency, on behalf of a number of human rights organizations, as well as human rights activists who have been closely associated with the humanitarian crisis in Yemen, condemn the brutal attacks by Saudi-led coalition aircraft into civilian homes and civilian sites strongly and calls on the Human Rights Council to take more serious mechanisms to save the Yemeni people.

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*Justice sans Frontière, Middle East Foundation for Development and Human Rights, Voices Organization free free media, Supporters of Rights and Freedoms Organization, Transparency of the Foundation for Human Rights, Development Studies International Development Group, Organization Damon, Hamdani Foundation for Studies and Research, Lawyers Without Borders, Phoenix organization development, Imaniat Foundation for

Women and Children National Media Center Economic Organization Shams justice of Rights and Freedoms Yemen of Rights and Freedoms Be for Culture and Creativity Foundation youthful spirit of human and social development Yemeni Center for Civil Rights See youth organization Foundation for Development and Human Rights, NGOs without consultative status, also share the views expressed in this statement.

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Human rights situations that require the Council's attention

Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

2017: A New Low Point for Human Rights in Bahrain

Americans for Democracy & Human Rights in Bahrain (ADHRB) takes this opportunity at the 37th Session of the United Nations Human Rights Council (HRC) to raise serious concern over the deterioration of human rights in Bahrain. The past year has seen some of the kingdom's worst human rights abuses in decades. Since the start of 2017, activists and human rights defenders have been tortured and arbitrarily imprisoned; police have killed peaceful demonstrators in violent raids; political space has been all but entirely closed; and perpetrators of such violations have enjoyed impunity for their crimes.

1. Imprisoned Human Rights Defenders and Political Activists

The Government of Bahrain continued to arbitrarily detain, torture, and deny medical care to Bahraini human rights defenders and political activists in 2017. In July, a court sentenced leading human rights defender Nabeel Rajab to two years in prison for "publishing and disseminating rumors and false news" in relation to media interviews. In a separate case, Rajab faces further charges of "spreading false rumors in time of war," "insulting public authorities," and "insulting a foreign country." These charges stem from comments posted to his Twitter account highlighting allegations of torture in Bahrain's prisons and criticizing Bahrain's role in the Saudi Arabia-led military operation in Yemen. If Rajab is convicted he faces up to 15 additional years in prison.

Throughout his detention, Rajab has been exposed to harsh treatment and inhumane living conditions, including extended solitary confinement. Rajab reported that his cell was filthy and full of insects. As a result, Rajab's health suffered a significant decline, leading to repeated hospitalization. Guards have also subjected him to degrading treatment, including forcibly shaving his hair, arbitrarily raiding his cell at night, and confiscating his personal items.

Another Bahraini activist, Ebtisam al-Saegh, was also repeatedly harassed, detained, and tortured in 2017. From January to April – and particularly following her participation in the 34th HRC – al-Saegh was repeatedly interrogated; subjected to a state-backed defamation campaign; targeted with travel bans; and threatened with attacks on her family. Then in May, al-Saegh was summoned for interrogation by the National Security Agency (NSA) and physically, psychologically and sexually tortured. Authorities threatened to continue targeting al-Saegh and her family if she did not cease her human rights activities. In early July, the government arrested al-Saegh and later charged her with unsubstantiated "terrorism" charges along with two other activists. Though she was released in October, her charges remain active.

Many prisoners of conscience that were already incarcerated also saw their detention standards deteriorate in 2017. For example, Dr. Abduljalil al-Singace – a Bahraini academic, blogger, and human rights activist imprisoned since 2011 – suffers from a number of serious, ongoing health concerns that have not been adequately treated throughout his incarceration, including post-polio syndrome that has left him partially paralyzed in both legs. Dr. al-Singace is also diagnosed with sickle cell anemia, high blood pressure, and health issues relating to the inner ear, including infections and vertigo. Yet the authorities have consistently denied Dr. al-Singace the regular medical treatment he needs to address these ailments as well as the surgery he requires as a result of the torture to which he was subjected during his initial arrest.

Similarly, activist Hassan Mushaima, who was imprisoned along with Dr. al-Singace during the aftermath of the 2011 protests, is a survivor of lymphoma and is under doctors' orders to receive regular cancer screenings. Nevertheless, prison authorities have prevented him from attending any of his screening appointments since September 2016.

2. Excessive Force and Extrajudicial Killing

This past year was also one of Bahrain's bloodiest in decades, with the authorities committing at least 9 extrajudicial killings. On 15 January, the government ended a de facto moratorium on the death penalty by executing three detainees after an unfair trial rife with due process violations, including torture and forced confessions. Later that month, masked

security personnel believed to be members of the NSA attacked a peaceful sit-in in the village of Diraz, firing live ammunition into the crowd and killing 18-year-old Mustafa Hamdan. The sit-in was permanently dispersed on 23 May when security forces again raided Diraz, this time arresting hundreds and killing five, including Hamdan's older brother.

3. Closing Civil and Political Space

The Bahraini government imposed further restrictions on political freedoms in 2017, virtually closing the space for formal opposition ahead of the 2018 parliamentary elections. In March, the Ministry of Justice moved to dissolve Wa'ad, the last major opposition group still operating in Bahrain, citing unsubstantiated allegations of "incitement of acts of terrorism and promoting violent and forceful overthrow" of the government after the group issued a statement about the kingdom's "constitutional political crisis." The group's dissolution was confirmed in October, marking the near-total elimination of formal political dissent in Bahrain.

The government has also used retaliatory travel bans and arbitrary detention to prevent independent Bahraini civil society actors from leaving the country to engage the international community, including UN mechanisms. Ahead of Bahrain's third Universal Periodic Review session in May, the government imposed travel bans on at least 32 civil society actors, for example. As a result, only three independent Bahraini activists were able to attend the session, in contrast with at least 47 during the second cycle in 2012. Nedal al-Salman, a leading member of the Bahrain Center for Human Rights (BCHR), was prevented from leaving Bahrain over five times this past year. The authorities failed to give her a reason for any of the bans, which ultimately prevented her from attending sessions of the UN Human Rights Council and the European Union NGO Forum on Human Rights.

4. Impunity for Perpetrators

The government has entirely failed to hold officials accountable for systematic human rights violations like torture and arbitrary detention, and this failure has continued in 2017. Bahrain's human rights and oversight bodies – chief among them the Ministry of Interior Ombudsman, the Public Prosecution Office's Special Investigations Unit, the Prisoners and Detainees Rights Commission, and the National Institution for Human Rights – remain closely connected to the government and are incapable or unwilling to properly address the cases brought to their attention. Despite repeated communications and complaints from independent human rights organizations and the UN Special Procedures, these oversight bodies have not fulfilled their mandates, and have at times worked to obscure the rights violations they are meant to investigate. Only a small number of low-level officials have been prosecuted and convicted, with most sentences failing to reflect the gravity of the crimes. Meanwhile, security forces continue to systematically commit abuses and even retaliate against complainants that have engaged the accountability mechanisms.

Impunity for crimes against journalists and human rights defenders, in particular, remains rampant. In June 2017, Bahrain's Ministry of Information Affairs indefinitely suspended *Al-Wasat*, Bahrain's only independent newspaper. Karim Fakhrawi, *Al-Wasat*'s co-founder, was tortured to death by Bahrain's NSA in 2011, and while the government investigated the case amid public pressure, the responsible officials were not charged with torture leading to death, which can result in up to life in prison. Instead, the officials were ultimately sentenced to just three years in prison. In 2012, freelance journalist Ahmed Ismael Hassan al-Samadi died after being shot while filming a protest in the village of Salmabad. Following Hassan's death, the UN called for an investigation into his killing, but the status of the judicial inquiry into the case is still considered unresolved.

Members of the royal family are especially immune to investigation and prosecution. Credible evidence has emerged that Sheikh Nasser bin Hamad Al Khalifa – the king's son and a senior military leader – oversaw arbitrary detention and torture during the suppression of the 2011 pro-democracy protests, for example. Sheikh Nasser made public comments indicating his intent to carry out reprisals against activists, and two imprisoned opposition leaders have reported that he personally tortured them. In 2014, the High Court of London even ruled to overturn his royal immunity after a Bahraini refugee under the name "FF" brought a case against him in the United Kingdom. Nevertheless, the Government of Bahrain has never investigated Sheikh Nasser and continues to dispute the allegations.

5. Recommendations

By the end of 2017, Bahrain's human rights situation reached yet another new low. The government has intensified its efforts to close all independent civil and political space, and the authorities continue to abuse activists, human rights defenders, and journalists with impunity. We therefore urge the international community to call on the Government of Bahrain to:

- Adhere to its international commitments to uphold fundamental freedoms and basic human rights;
- Release all prisoners of conscience facing charges stemming from peaceful free expression or human rights activism, including Nabeel Rajab, Ebtisam al-Saegh, Dr. Abduljalil al-Singace, and Hassan Mushaima;
- Guarantee in all circumstances the freedom of movement of human rights defenders by abolishing the practice of issuing retaliatory travel bans;
- Allow political opposition groups to operate freely, including by restoring the status of arbitrarily dissolved societies like Wa'ad;
- And hold all officials accountable for abuses including torture and arbitrary detention.

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Human rights situations that require the Council's attention

Written statement* submitted by Americans for Democracy and Human Rights in Bahrain, Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Abuse of the Judicial System in Bahrain

On the occasion of the 37th session of the United Nations Human Rights Council, Americans for Democracy & Human Rights in Bahrain (ADHRB) would like to highlight the erosion of human rights in Bahrain, particularly as it relates to the judicial system. ADHRB would like to raise serious concerns that the Government of Bahrain has failed in its international legal obligations to uphold fair trial rights and ensure due process, equal protection of the law, presumption of innocence, and impartiality of the judiciary.

2017 was a notable year for the judicial system in Bahrain – the government amended the constitution to allow for the trial of civilians before the military courts, the first trial of which concluded with six death sentences and the stripping of nationality of 13 Bahraini citizens. Bahrain sentenced a total of 14 individuals to the death penalty in 2017 alone. The government has also continued to issue arbitrary revocations of citizenship after unfair trials, and continues to abuse the human rights of its citizens under the guise of a "justice" system.

Military Trial of Civilians

In 2017, Bahrain began the first military trial of civilians since 2011. In Royal Decree No. 18 of 2011, the King declared a national state of emergency following the pro-democracy demonstrations, and established the two-tiered National Safety Court with the Primary Court of National Safety and the National Safety Appellate Court. Both courts consisted of a presiding military judge and two civilian judges. The prosecution was also administered by military officials. The jurisdiction of these courts was limited to three types of cases: (1) crimes that led to the declaration of a State of National Security, (2) crimes in violation of orders implementing national safety measures, and (3) crimes which traditionally are under civilian court but have been transferred to the NSC, including crimes of assault against public officials; illegal weapons or explosives; crimes committed under the anti-terrorism code; violations of the code concerning gatherings, assembly, and marches; and crimes which relate to foreign or local security of the State. The judgments of the NSC were final and not subject to appeal (this was later amended, and some of the cases were appealed to civilian courts, including the Court of Cassation). While the NSCs were in effect, they convicted an estimated 300 individuals.

The cessation of the National Safety Courts was due in part to the recommendation made by the Bahrain Independent Commission of Inquiry that the cases tried under the NSC be reviewed by regularly constituted civilian courts, because "fundamental principles of a fair trial, including prompt and full access to legal counsel and inadmissibility of coerced testimony, were not respected. . ." Under the civilian review of these cases, many of the individuals convicted under the NSC had their sentences reduced or their convictions reversed. All of the individuals sentenced to death under the NSC had their sentences reduced to life in prison or a term of years in prison.

The recent amendment to the constitution allows for even more power of the military over civilians, under markedly different circumstances. In 2011 the NSCs were temporary, and operated only for three months during a declared state of emergency. There has been no such emergency declared for 2017, and no language limiting the duration of military jurisdiction is included in the amendment. Further, the NSC provided for some civilian judicial oversight, by including civilian judges on the court and allowing for civilian judicial review of some of the cases. However, the recent amendment does not provide for civilian oversight or review, does not limit the military court's jurisdiction to particular crimes, and does not elaborate any appellate measures. Indeed, the amendment is so vaguely worded that is essentially gives the military *carte blanche* over any alleged crime in Bahrain.

The language of the constitution before the amendment limited the jurisdiction of military courts to military offenses committed by members of the Bahrain Defense Force (BDF), the National Guard and the Security Forces (with the exception of declared martial law). The new language does not offer the same safeguards, and reads in its entirety:

> "The military judiciary shall be regulated by law, and shall delineate its jurisdiction and competencies with regards to the BDF, the National Guard, and Public Security Forces."

Bahraini officials have stated that the military courts will only concern itself with cases related to terrorism, however no such restriction is included in the text of the amendment. Further, the definition of "terrorism" in Bahraini law is so broad that it can also encapsulate and criminalize freedoms of speech, assembly, and association.[1]

With the amendment in place, the first military trial of civilians began on 23 October 2017. The Bahraini Military High Court tried 18 individuals in the same case, on the charges of forming a terrorist cell and plotting to assassinate a military official. The trial concluded on 25 December 2017, when the Court sentenced six men to death, sentenced seven men to seven years' imprisonment, and acquitted five of the defendants. The 13 men who were convicted were also stripped of their nationality. On 4 January 2018, a military appellate court postponed the appeal to 14 January, and postponed a second time to 31 January.

Use of the Death Penalty and Increased Number of Death Sentences

These new death sentences are particularly alarming, as Bahrain recently implemented the death penalty for the first time since 2010. In January 2017, the Government of Bahrain executed Abbas al-Samea, Sami Mushaima, and Ali al-Singace by firing squad. These executions were carried out despite the fact that the men maintained their innocence, and stated that their false confessions had been coerced though torture. The Special Rapporteur on extrajudicial, summary or arbitrary executions Agnes Callamard expressed that these executions constituted extrajudicial killings in a Tweet on the same day.

The death sentences handed down in December 2017 are similarly tainted by allegations that the military officials had tortured some of the defendants to extract confessions. Eight of the defendants were convicted *in absentia*, as they had reportedly fled to Iraq and the Islamic Republic of Iran. Some of the defendants did not meet with a lawyer until their third hearing in November 2017. Additionally, three of the defendants were minors at the time of the alleged crime and their arrest.

The six men sentenced to death on 25 December 2017 join the eight others previously sentenced, bringing the total to 14 individuals sentenced to death in Bahrain in 2017. This is a marked increase from 2016, when no new death sentences had been handed out.

Denaturalization of Bahraini Citizens

Another method that the judicial system of Bahrain has employed to punish and intimidate the civilian population is through the arbitrary revocation of citizenship. Bahrain has stripped more than 500 citizens of their nationality since 2012. In 2015 alone, the government denaturalized 208 Bahrainis, the highest number yet. However, 2017 follows close behind, with 156 revocations in that year. In many of these cases, the government denaturalizes individuals in large groups of up to 25 individuals in one proceeding. The cases are often marked with fair trial violations as well, such as failure to follow principles of due process and a lack of transparency. The negative effects of citizenship revocation are numerous, and include loss of access to government benefits, loss of identification card (which is necessary for a number of administrative and official actions, such as opening a bank account), inability to obtain employment, and loss of government housing, among others. Bahraini women cannot pass citizenship to their children, so if their spouse is denaturalized, any new children born are also essentially stateless and have no access to state services.

Conclusion

Bahrain's use of the court system to inflict human rights abuses upon its population is exemplary of the kingdom's deteriorating human rights situation. The militarization of the justice system perverts the rule of law and subjects the civilians in Bahrain to human rights violations. The recent death sentences and executions after unfair trials and the

1 For a more details, see ADHRB's previous written statement, [A/HRC/36/NGO/103]

persistent and arbitrary denaturalization of Bahraini citizens serve as further evidence of a judicial system devoid of human rights considerations. Bahrain is in violation of their obligations to the Convention Against Torture, the International Covenant on Civil and Political Rights, and the International Covenant on Economic and Cultural Rights. ADHRB therefore urges the international community to urge Bahrain to:

- Repeal Law No. 12/2017and prohibit the future trial of civilians in military institutions.
- Vacate the judgment of 25 December 2017, and ensure that the cases of those individuals sentenced are subject to review by civilian courts and adhere to international standards of fair trials.
- Reinstate the moratorium on the death penalty, with a view towards abolition.
- Reinstate the citizenship of all Bahrainis arbitrarily denaturalized, and ensure that any future denaturalization proceedings adhere to international standards of fair trials and impartiality.
- Ensure that denaturalized persons and their unregistered children are able to access state services.

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Please recycle

Under the Guise of Countering Corruption, Saudi Arabia Suppresses Rights and Freedoms

Americans for Democracy & Human Rights in Bahrain (ADHRB) would like to take this opportunity at the 37th session of the United Nations Human Rights Council to discuss Saudi Arabia's anti-corruption campaign. We are concerned that Crown Prince Mohammed bin Salman is using the campaign as a way to arrest rival princes and consolidate power, while holding those accused of corruption in extended pre-trial detention without due process protections. We are further concerned with the broader suppression of peaceful dissent and increased number of executions in the kingdom since bin Salman became Crown Prince in late June 2017.

I. Corruption Sweep

On 4 November, King Salman bin Abdulaziz ordered the formation of a committee chaired by the Crown Prince and charged with investigating corruption. The committee is empowered to "issue arrest warrants, travel bans, freeze [bank] accounts and [...] take whatever measures [it deems] necessary to deal with those involved in public corruption."1

On 5 November 2017, the Crown Prince ordered the arrest of dozens of people, including former and current ministers, and princes. By 9 November, officials had detained and interrogated 208 people over alleged corruption, while suspending around 1,700 personal domestic bank accounts.2 While Saudi Arabia's Attorney General estimated that "at least USD $100 billion had been misused through systematic corruption and embezzlement over several decades," the Riyadh Chamber of Commerce and Industry estimated $800 billion had been embezzled.3

While corruption in Saudi Arabia and among the royal family more specifically is something of an open secret, bin Salman has used the campaign as a way to consolidate power, and remove political rivals.

II. Consolidation of Power

For many years, the leadership of the kingdom's three security agencies – the regular military, the internal security services, and the Saudi Arabian National Guard (SANG) – had been "distributed among branches" of the Saudi royal family to ensure a balance of power.4

However, under the guise of tackling corruption, bin Salman ordered the arrest of Prince Mutaib bin Abdullah on corruption charges. Bin Abdullah was a favored son of King Abdullah and was once considered a contender for the throne.5 He was also the commander of the SANG. The SANG has 100,000 men and is considered almost a "parallel

1 "A Series of Anti-Graft Royal Orders Announced, related Committee led by Crown Prince Formed," Saudi Press Agency, 4 November 2017, http://www.spa.gov.sa/viewstory.php?lang=en&newsid=1684252.

2 Center for International Communication, "Statement by the Attorney General of the Kingdom of Saudi Arabia," Kingdom of Saudi Arabia, 9 November 2017, https://cic.org.sa/2017/11/statement-by-the-attorney-general-of-the-kingdom-of-saudi-arabia-2/; Stanley Carvalho and Tom Arnold, "Saudi graft inquiry spreads beyond borders as UAE examines bank accounts," Reuters, 9 November 2017, https://www.reuters.com/article/us-saudi-arrests/saudi-graft-inquiry-spreads-beyond-borders-as-uae-examines-bank-accounts-idUSKBN1D91BL.

3 Saeed Azhar and Joshua Franklin, "Saudi Arabia faces battle to repatriate assets after corruption crackdown," Reuters, 9 November 2017, https://www.reuters.com/article/us-saudi-arrests-assets/saudi-arabia-faces-battle-to-repatriate-assets-after-corruption-crackdown-idUSKBN1D91LT.

4 David D. Kirkpatrick, "Saudi Crown Prince's Mass Purge Upends a Longstanding System," *New York Times*, 5 November 2017, https://www.nytimes.com/2017/11/05/world/middleeast/saudi-crown-prince-purge.html.

5 Katie Paul, "Saudi prince, relieved from National Guard, once seen as throne contender," Reuters, 4 November 2017, https://www.reuters.com/article/us-saudi-government-defence-newsmaker/saudi-prince-relieved-from-national-guard-once-seen-as-throne-contender-idUSKBN1D40VG.

army," while holding considerable influence among the kingdom's tribes.6 In his place, King Salman appointed the young and inexperienced Prince Khalid bin Ayyaf Al Muqrin, about who little is known.

This move builds on previous royal decisions. In early 2015, King Salman named bin Salman Minister of Defense, granting him influence over military policy. In June 2017, the King removed Mohammed bin Nayef from his position as the powerful Minister of Interior, replacing him with someone younger and less experienced. In July 2017, King Salman signed a decree transferring security and intelligence responsibilities away from the Ministry of Interior to the newly created Presidency for State Security overseen directly by the King, significantly reducing the Ministry of Interior's power.7

These moves eroded the balance of power established by distributing the security service portfolios to different familial branches, while serving to consolidate the King and the Crown Prince's control and influence over the security services.

III. Human Rights Concerns

There have also been concerns of torture. While some of those detained have been held under house arrest in Riyadh's luxurious Ritz-Carlton, officials have allegedly tortured other detainees. According to Middle East Eye, during their detention, "some senior figures were beaten and tortured so badly during their arrest or subsequent interrogations that they required hospital treatment."8

There have also been concerns surrounding the lack of due process, as many detainees have not been officially charged with committing any crime, nor have they been brought before a judge. Instead, they have been held for several months without any formal charges, but only on suspicion of "corruption," which has yet to be delineated, as the Attorney General has not enumerated specific charges. However, some detainees have secured their release by paying a fee – sometimes up to USD 1 billion. According to Adam Coogle of Human Rights Watch, "this appears to be taking outside of anything that resembles a clear legal process. If the Saudi authorities don't offer a chance for legal defense, then this is nothing other than a shakedown."9

This swift detention of scores of individuals without due process protections is similar to the arrests in September 2017 of dozens of peaceful dissidents by bin Salman. In September 2017, authorities arrested at least 16 people deemed to be critical of bin Salman. The detainees had advocated for mild political reforms. Among them are prominent religious figures, writers, journalists, academics, and activists Abdulaziz al-Shubaily and Issa al-Hamid – founding members of the Saudi Civil and Political Rights Association (ACPRA), a human rights organization.10 In early October, officials arrested 22 individuals on charges of "inciting against public order" on social media, and then detained another 24 people for "promoting lies and exaggerations on social media."11

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6 Katie Paul and Stephen Kalin, "Saudi mass arrests jolt markets but many see overdue swoop on corruption," Reuters, 7 November 2017, https://www.reuters.com/article/us-saudi-arrests/saudi-mass-arrests-jolt-markets-but-many-see-overdue-swoop-on-corruption-idUSKBN1D71NN; "Mapping the Saudi State Chapter 5: The National Guard," Americans for Democracy & Human Rights in Bahrain, 3 August 2015, http://www.adhrb.org/2015/08/mapping-the-saudi-state-chapter-5-the-national-guard/

7 "Presidency of State Security: A vision for development and prosperity," Saudi Gazette, available at http://saudigazette.com.sa/article/513537/SAUDI-ARABIA/State-Security

8 David Hearst, "EXCLUSIVE: Senior Saudi figures tortured and beaten in purge," Middle East Eye, 9 November 2017, http://www.middleeasteye.net/news/exclusive-senior-figures-tortured-and-beaten-saudi-purge-1489501498

9 Ben Hubbard and David D. Kirkpatrick, "Saudi Arabia Squeezes Detainees as It Tries to Seize Assets," *New York Times*, 20 November 2017, https://www.nytimes.com/2017/11/20/world/middleeast/saudi-arabia-corruption.html.

10 "At Least 16 More Arrests in Saudi Arabia Amid Succession and Qatar Crisis," Americans for Democracy & Human Rights in Bahrain, 28 September 2017, https://www.adhrb.org/2017/09/at-least-16-more-arrests-in-saudi-arabia-amid-succession-and-qatar-crisis/

11 "Saudi Arabia arrests 22 for spreading online videos," AlJazeera, 5 October 2017, http://www.aljazeera.com/news/2017/10/saudi-arabia-arrests-22-spreading-online-videos-171005084136674.html.

In addition to overseeing a widespread program of suppression of free expression, Mohammed bin Salman has also overseen a dramatic increase in the number of executions. Throughout 2017, Saudi Arabia executed 143 people. From the beginning of 2017 to 21 June, the kingdom executed 39 people. However, since bin Salman became Crown Prince in late June, the kingdom has executed over 100 more people. Among them were four peaceful protesters who were sentenced after they were tortured into confessed to committing spurious terror crimes. In addition, in late July, the Court of Appeal upheld the death sentences of 15 men, who were convicted of spying for the Islamic Republic of Iran, but whose trials were severely marred by unfair trials, ridiculous charges, and torture-induced confessions.12 In addition to the 15 men, there are 17 other individuals on death row for peaceful expression- and assembly-related crimes. Among them are seven minors, including Ali al-Nimr, Dawood al-Marhoon, Mujtaba al-Suwaiket, Salman al-Quraish, Abdullah al-Sareeh, Abdulkareem al-Hawaj, and Abdullah al-Zaher. They are at risk of impending execution, with several having exhausted their legal appeals.

IV. Conclusion

While Saudi Arabia faces significant problems concerning corruption, Mohammed bin Salman Al Saud's anti-corruption drive has raised serious concerns about the centralization of power and the silencing of peaceful dissidents and opponents. In the course of the sweep, the Crown Prince have consolidated his control over the kingdom's three main security services and extended his personal power through the office of the King. More broadly, under the oversight of bin Salman, the kingdom has seen a dramatic increase in executions and death sentences related to peaceful dissident political activity.

V. Recommendations

ADHRB calls on the Government of Saudi Arabia to:

- End the arbitrary detentions of those detained and either immediately and unconditionally release them without bail, or immediately bring substantiated charges against in line with international law-enforcement standards;
- Hold any trials in a transparent manner and in a court that respects due process and internationally-recognized standards of fair trials;
- Immediately empower an independent and impartial committee to investigate allegations of torture against detainees and prosecute and hold accountable any officials responsible for abuse and torture;
- Immediately release all prisoners of conscience and drop all charges against them;
- Immediately establish a moratorium on the use of the death penalty with the aim of abolishing capital punishment.

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12 "Saudi Arabia: Death sentence upheld on appeal for 15 men," Amnesty International, 24 July 2017, https://www.amnesty.org/en/documents/mde23/6786/2017/en/.

United Nations A/HRC/37/NGO/15

General Assembly

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Human Rights Council
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Human rights situations that require the Council's attention

Written statement* submitted by Americans for Democracy and Human Rights in Bahrain, Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-01575(E)
1801575

Please recycle

GCC Free Expression and the Qatar Crisis

Americans for Democracy & Human Rights in Bahrain (ADHRB) takes this opportunity at the 37th Session of the United Nations Human Rights Council to raise serious concerns over the continuing suppression of the right to free expression and opinion in the states of the Gulf Cooperation Council (GCC). We also raise concerns over the human rights impacts of the ongoing diplomatic isolation of Qatar by the other GCC states, including targeting individuals and activists because of comments supporting Qatar.

Free Expression and Opinion

Bahrain

Officially, Bahrain's constitution guarantees the right to free expression. However, in practice a number of laws restrict the right to free speech, in particular the 2006 counter terror law (since updated), the 2002 Press and Publications Law (since updated), the 2015 Cybercrime law, and various provisions of the Penal Code.

Among those targeted by the Bahraini government for exercising their right to free expression is Sheikh Ali Salman, the Secretary General of Bahrain's largest, and now-dissolved, political opposition society, Al-Wefaq. Security forces arrested Sheikh Salman in December 2014. In June 2015, he was convicted of free expression charges stemming from a political speech he had given. He was ultimately sentenced to nine years in prison. Salman now faces new charges alleging collusion with Qatar in 2011, for which he may receive up to life imprisonment.

Security forces have also frequently targeted Nabeel Rajab, the President of the Bahrain Center for Human Rights. Rajab was arrested most recently in June 2016. He has faced numerous charges stemming from comments on Twitter, and in television and press interviews. On 16 January 2018, a court upheld his two-year sentence for giving interviews. He may face 15 years in prison for his comments on Twitter if that sentence is upheld.

Saudi Arabia

A number of laws restrict free expression in Saudi Arabia, including the old 2014 counter-terror law, the new November 2017 counter-terror law and the 2007 Anti-Cybercrime Law. Authorities have used these laws to prosecute human rights defenders and dissidents including Essam Koshak and Salman al-Awda.

Officials arrested activist Essam Koshak in January 2017. While in detention, he was interrogated about his work exposing corruption and defending free expression, in particular opinions he expressed on his personal Twitter account. In early September 2017, authorities detained prominent cleric Salman al-Awda because of comments he made on Twitter expressing support for reconciliation between Saudi Arabia and Qatar.

United Arab Emirates

The United Arab Emirates (UAE) does not respect the right to free expression and opinion. Authorities used the 2014 counter-terror law, 2012 cybercrime law, and various provisions of the Penal Code to restrict free expression while targeting activists and human rights defenders.1

Emirati officials have repeatedly targeted prominent human rights defender Ahmed Mansoor. On 20 March 2017, security forces arrested him and have since held him in arbitrary detention. He has been accused of using social media to "publish false information and rumors" and "promote a sectarian and hate-incited agenda."2

1 "Annual Report: United Arab Emirates: events of 2016," Human Rights Watch, 2017, https://www.hrw.org/world-report/2017/country-chapters/united-arab-emirates.

2 "UN raises concern over human rights in UAE," AlJazeera, 10 January 2018, http://www.aljazeera.com/news/2018/01/raises-concern-human-rights-uae-180110045834391.html.

On 15 March 2017, an Emirati court sentenced Jordanian journalist Tayseer al-Najjar to three years in jail and fined him 500,000 dirhams (136,000 USD) for "insulting the state's symbols" in a Facebook post he published in 2014 while he was still living in Jordan, in which he criticized the UAE's policies towards Israel and Gaza.3 Two weeks later, on 29 March 2017, a court sentenced Dr. Nasser bin Ghaith to ten years in prison including on charges stemming from critical comments he made on Twitter.

Kuwait

Kuwaiti officials invoke the Constitution, provisions of the Penal Code, the Printing and Publication Law, the Misuse of Telephone Communications and Bugging Devices Law, the Public Gathering Law, and the National Unity Law to restrict free expression.4

On 27 November 2017, authorities sentenced more than 60 people to prison for their participation in demonstrations at Kuwait's parliament in 2011 denouncing corruption. At least 16 people were convicted of crimes that included insulting the emir and offending police.5

In early January 2018, reports surfaced that the government had begun to draft a new law that would regulate publishing on Twitter and other social networking sites not covered by the 2016 Electronic Media Law. The draft language states, "It is prohibited to use Twitter as a means of annoyance or aggression against others" in clear violation of the right to free expression.6

Oman

Omani authorities restrict the freedom of expression and opinion largely through the 2002 Telecommunications Act and the 2011 Cybercrime law. In particular, the government has targeted newspapers, with officials closing several news sites over the past several years while arresting and imprisoning activists.7

On 19 November 2017, the Court of Appeal in Muscat upheld the verdict of three years in prison for internet activist Hassan Al-Basham.8 A month earlier, on 5 October 2017, Oman's Supreme Court had issued its final ruling in the case of the *az-Zaman* newspaper, shuttering it permanently.9 It had been closed since August 2016, after it published an article accusing senior figures of corruption. The government has also targeted other news outlets, including newspapers *Mowaten* and *al-Balad*. *Mowaten* was blocked throughout Oman on World Press Freedom Day – 14 January 2016. *Al-Balad* was forced to cease publishing in 2016 after being continually harassed by officials.10

Qatar

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3 "UAE court sentences Jordanian journalist Tayseer al-Najjar to prison," Global Voices, 16 March 2017, https://advox.globalvoices.org/2017/03/16/uae-court-sentences-jordanian-journalist-tayseer-al-najjar-to-prison/.

4 "Annual Report: Kuwait: events of 2016," Human Rights Watch, 2017, https://www.hrw.org/world-report/2017/country-chapters/kuwait.

5 "Kuwait: Mass Convictions for 2011 Protest," Human Rights Watch, 18 December 2017, https://www.hrw.org/news/2017/12/18/kuwait-mass-convictions-2011-protest.

6 "Kuwait: Government plans law to regulate publishing on Twitter," Gulf Centre for Human Rights, 5 January 2018, http://www.gc4hr.org/news/view/1761.

7 "Annual Report: Oman: events of 2016," Human Rights Watch, 2017, https://www.hrw.org/world-report/2017/country-chapters/oman.

8 "Oman: Court of Appeal again upholds the sentence against Internet activist Hassan Al-Basham," Gulf Centre for Human Rights, 27 November 2017, http://www.gc4hr.org/news/view/1737.

9 "Oman Supreme Court ruling closes 'Azamn' newspaper forever," Gulf Centre for Human Rights, 8 October 2017, http://www.gc4hr.org/news/view/1703.

10 Sophie Marianos, "Omani Journalist Released from Prison," Americans for Democracy & Human Rights in Bahrain, 2 November 2017, http://www.adhrb.org/2017/11/omani-journalist-released-from-prison/.

Although Qatar's constitution guarantees the right to freedom of expression and opinion, several laws, including provisions of the Penal Code and the 2014 cybercrime law restrict this right. The laws criminalize the spreading of "false news" online, or publishing information that "violates social values or principles." The Penal Code provides for up to five-years in jail for criticism of the emir.11

In November 2017, the government blocked access to Doha News, because of an editorial it had published in October 2016 criticizing the cybercrime law.12 In October, Skype confirmed that it was blocked in Qatar.13

The Qatar Crisis and Human Rights

On 5 June 2017, Saudi Arabia, the UAE, Bahrain, and Egypt cut ties with Qatar because of its active foreign policy, allegations that Qatar is sponsoring terrorism. In addition, they ordered all Qatari citizens living in their territories to leave in 14 days, and banned their own citizens from travelling to or residing in Qatar. They also closed their airspace to Qatari aircraft. Saudi Arabia closed its land border with Qatar and banned Qatar-flagged ships from docking at its ports. This is significant because Qatar is dependent on imports over land and sea in order to sustain basic needs.14

On 25 May 2017, Saudi Arabia and the UAE blocked Al-Jazeera in their territories.15 The Saudi and Bahraini governments also arrested individuals accused of expressing sympathy with Qatar. In addition to Salman al-Awda, Saudi authorities arrested cleric Awad al-Qarni, who tweeted in support of Saudi – Qatari reconciliation.16 Bahraini officials arrested lawyer Isa Faraj Al Bou Rashid on free expression charges after he filed a lawsuit challenging the legality of the blockade of Qatar.17

Recommendations

ADHRB calls on the Governments of the GCC to immediately and unconditionally release all individuals arrested and charged for free expression crimes, and to drop all charges against them. We further call on the states of the GCC to repeal all laws that criminalize the universal right to free expression and opinion, and to reform any laws that unduly restrict this right so they are in line with internationally-recognized standards.

ADHRB also calls on Saudi Arabia, Bahrain, and the UAE to life the blockade on Qatar, allow food imports, and immediately and unconditionally release those individuals who were arrested or charged as a result of the Qatar political crisis.

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11 "Annual report: Qatar, events of 2016, Human Rights Watch, 2017, https://www.hrw.org/world-report/2017/country-chapters/qatar.

12 "Freedom in the World 2017: Qatar," Freedom House, 2017, https://freedomhouse.org/report/freedom-world/2017/qatar.

13 Victoria Scott, "Skype confirms that it is blocked in Qatar," Doha News, 5 October 2017, https://dohanews.co/skype-confirms-that-it-is-blocked-in-qatar/.

14 "Qatar crisis: What do you need to know," BBC, 19 July 2017, http://www.bbc.com/news/world-middle-east-40173757.

15 "Media Blocked: Threatened in Dispute with Qatar," Human Rights Watch, 14 June 2017, https://www.hrw.org/news/2017/06/14/media-blocked-threatened-dispute-qatar.

16 "Saudi Arabia: Prominent clerics arrested," Human Rights Watch, 15 September 2017, https://www.hrw.org/news/2017/09/15/saudi-arabia-prominent-clerics-arrested.

17 "Bahrain arbitrarily arrests lawyer after Qatar lawsuit," Americans for Democracy & Human Rights in Bahrain, 14 June 2017, http://www.adhrb.org/2017/06/bahrain-arbitrarily-arrests-lawyer-qatar-lawsuit/.

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Written statement* submitted by Coordination des associations et des particuliers pour la liberté de conscience, a non-governmental organization in special consultative status

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Please recycle

Religious refugees (Church of Almighty God) from China denied asylum in Europe

1. The case we would like to submit to you concerns the members of a religious organization known as The Church of Almighty God (CAG). CAG is a new religious movement founded in China in 1991.

2. Credited by Chinese official sources with a membership of some four million (see the document reproduced at https://www.adhrrf.org/china-ma-xingrui-20140709.html), CAG has been banned and persecuted in China since at least 1995 (see http://www.china21.org/docs/CONFI-MPS-CHINESE.htm, mentioning a previous document dated 1995).

3. The Chinese government later started accusing CAG of various crimes, including the murder of a woman in a McDonald's diner in Zhaoyuan in 2014. Unfortunately, some Western media repeated this accusation, although scholarly studies have debunked it as an egregious example of fake news spread to discredit CAG. In fact, the group responsible for the murder used the name "Almighty God," but was not part of CAG and had different religious beliefs (see Massimo Introvigne, "'Cruel Killing, Brutal Killing, Kill the Beast': Investigating the 2014 McDonald's 'Cult Murder' in Zhaoyuan," *The Journal of CESNUR* 1 (2017):61-73, available at http://cesnur.net/wp-content/uploads/2017/09/tjoc_1_1_6_introvigne_ter.pdf; Massimo Introvigne and David Bromley, "The Lü Yingchun/Zhang Fan Group," *World Religions and Spirituality Project*, Virginia Commonwealth University, October 16, 2017, available at https://wrldrels.org/2017/10/16/lu-yingchun-zhang-fan-group/). Other rumors against CAG have also been debunked as fake news by studies authored by reputable academic scholars (see e.g. study by Professor Holly Folk at http://cesnur.net/wp-content/uploads/2017/12/tjoc_1_2_5_folk.pdf).

4. The Criminal Code of China, article 300, makes a crime of being active in a *xie jiao*, an expression sometimes translated as "evil cult," although it dates back to the Ming period and identifies "heterodox teachings," or teachings not approved by the government. An English translation of the Chinese Criminal Code has been published by the Permanent Mission of the People's Republic of China to the United Nations and Other International Organizations in Vienna (see http://www.fmprc.gov.cn/ce/cgvienna/eng/dbtyw/jdwt/crimelaw/t209043.htm). Article 300, in that translation, reads as follows: "Whoever organizes and utilizes superstitious sects (*xie jiao*), secret societies, and evil religious organizations or sabotages the implementation of the state's laws and executive regulations by utilizing superstition is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment; when circumstances are particularly serious, to not less than seven years of fixed-term imprisonment." "Utilizes" means in fact "is active in," and this is the consistent interpretation of the provision by Chinese courts (see e.g. https://web.archive.org/web/20130402233641/http://www.chinanews.com/fz/2013/04-02/4699177.shtml). The mention of "particularly serious circumstances" allows much harsher penalties to be imposed.

5. In practice, in China, the groups regarded as *xie jiao* are those included in lists of religious "illegal organizations" published since 1995 and periodically updated. CAG has consistently appeared in these lists (see, again, http://www.china21.org/docs/CONFI-MPS-CHINESE.htm, and, for a scholarly treatment, http://www.cesnur.org/2016/daejin_irons_list.pdf).

6. Based on its internal statistics, CAG believes that 380,380 members have been arrested in China during the short span from 2011 to 2013 (see http://www.cesnur.org/2017/almighty_china_report.pdf). They have documented 36,572 such cases (see https://www.godfootsteps.org/proofs/). The respected NGO Freedom House reported that 80% of those persecuted in China for belonging to "heterodox religions" between 2014 and 2016 were members of CAG.

7. CAG has also denounced several cases where its members died in custody in highly suspicious circumstances or were tortured (http://www.cesnur.org/2017/almighty_china_report.pdf). We regard these testimonies as believable and, at any rate, the number of cases mentioned warrant at least a serious independent investigation. The persecution of CAG in China is unprecedented in scope and virulence, and one of the worst violation of religious liberty today internationally. In addition, there are countries such as the Republic of Korea where almost all asylum requests of CAG members are denied under various pretexts, and others such as Italy and France where the majority of requests are denied.

8.The 2004 UNHCR *Guidelines on International Protection: Religion-Based Refugee Claims* explicitly affirms that states cannot require evidence that the asylum seeker has been individually persecuted. It is enough to prove that the individual has a "well-founded fear of persecution." It should be abundantly clear that a member of CAG in China has a

very well-founded fear of persecution, for the mere fact of being a member of CAG. If detected as such, every member of CAG faces arrests and imprisonment.

9. Some national refugee boards have objected that the fact that CAG members were able to avoid capture for several years by moving from one city or village to another is evidence that they were not persecuted. We disagree. As mentioned earlier, CAG has several million members in China and, just as other persecuted religions, has built strong networks of believers capable of operating underground and hiding those brothers and sisters who have already been identified as CAG members by the authorities. But having to move constantly, without a home and in constant fear of being captured constitutes precisely the "fear of persecution" mentioned by the international conventions.

10. We also read that in some cases asylum seekers were accused of not knowing enough their religion, and their very identity as CAG members was cast in doubt. Paragraph 30 of the 2004 UNHCR *Guidelines* states that: "Individuals may be persecuted on the basis of their religion even though they have little or no substantive knowledge of its tenets or practices. A lack of knowledge may be explained by further research into the particular practices of that religion in the area in question or by an understanding of the subjective and personal aspects of the claimant's case." In some cases, we also have the impression that asylum seekers did not conform to the tenets of the religion as depicted "in the sources." The "sources" mentioned, however, are not CAG's normative sacred texts, nor are they part of the scholarly literature. The immigration authorities often mention media articles, which simply translate or repeat Chinese governmental sources, and old reports from the Immigration and Refugee Board of Canada that, although they are not UNHCR documents, are available on the UNHCR data base. The Canadian Board did a considerable homework, but the reports are dated 2014 and 2014, and at that time only journalistic sources or Chinese governmental sources were available.

11. Asylum seekers were accused of not knowing their religion because they did not mention the name of the woman CAG identifies as the incarnate Almighty God, nor did they explain the role of the Man Used by the Holy Spirit, or Priest, of the movement, Mr. Zhao Weishan. This objection is based on a misunderstanding about the theology of CAG, which teaches that any attention to the physical person of Almighty God would distract from the only item that is crucial for salvation, the written Word. It is part of the theology and spirituality of CAG members not to discuss the person who is the incarnate Almighty God nor to mention her by name. CAG also tries to avoid any personality cult about its administrative leader, Mr. Zhao Weishan. Scholars have noticed that he is simply referred to as "the Brother" when his instructions and sermons are discussed by devotees.

12. We are well aware that Chinese authorities and their supporters object against granting refugee status to CAG members by arguing that CAG is not a religion but a *xie jiao* or "cult" accused of common crimes. There is, however, no accepted scientific distinction between religions and "cults," and "cult" too often is only a convenient label used to discriminate against religions another religious group or a government does not approve of. As part of the "cult" accusations, the refugee boards in some countries found it unbelievable that some asylum seekers were first converted by and then protected by members of their family, because they read in the "sources" that CAG is "against the family." But scholars have concluded that these are just stereotypical accusations against groups labeled as "cults" and, like most other religions, conversions in CAG happen, and networks are built, among family lines. No religion would be able to gain million members in the short spam of twenty years without operating along pre-existing family networks. As for the accusations of criminal activities, as mentioned earlier, accusations against CAG are believed by leading international scholars of new religious movements to be fake news propagated to justify the persecution (see above). Applicants for refugee status, at any rate, re not accused of having personally participated in any crime. Even if they were accused of common crimes (and they are not), as members of a group persecuted as a *xie jiao*, they could not expect a fair trial in China.

13. In similar cases in Canada applications have been accepted for more than 100 asylum seekers, and this notwithstanding the report mentioned above.

14. For these reasons, we respectfully call the attention on both the seriousness of persecution of CAG in China and the humanitarian problems created by these countries, including the Republic of Korea, which persistently refuse to recognize refugee status to CAG members escaping from persecution in China, or worse threaten to send them back to China, where they face arrest and detention, or worse.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Cercle de recherche sur les droits et les devoirs de la personne humaine, a non-governmental organization in special consultative status

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1801573

Please recycle

Coercitive measures for the elimination of the State terrorism under the presidency of Paul Biya

Your excellency Mr. Ambassador,

The Research Center on the Rights and Duties of the Human Person presents its compliments to the presidency of the Human Rights Council and has the honor to request the Human Rights Council to take up the matter of the extreme suffering situation endured by the people of Cameroon as a consequence of policies and acts of State terrorism implemented by the President of Cameroon Mr. Paul Biya who has been in power for forty-two years.

The acts which are described by the literature on the dictatorship of Mr. Paul Biya are secret armies, political assassinations, persecutions of clerics, mystical and bureaucratic dictatorship, arbitrary detentions, extrajudicial executions as well as enforced disappearances of the civil society and political elites, prohibitions of peaceful manifesting, corruption and traffic of influence of the judiciary, depredations of public money, accounts and assets non declared pursuant to the article 66 of the Cameroon's Constitution, massive indebtedness of Cameroon and systematic electoral fraud.

At present, two regions of the Cameroonian territory have rebelled against the tyrannical power of Mr. Paul Biya and the current situation of growing insecurity has led to the genocidal crisis that has been ruling in the north-west and in the south-west of the country since October 2016. About twenty thousand refugees re-releasing of these two regions are outstanding in nearby Nigeria and of thousands of others took the exile in foreign countries in particular in diverse European countries. The confrontations continue between Mr Paul Biya's Cameroonian armed forces and rebel populations which demand their total independence since October 1st, 2017, under the name of a new Federal State called "Ambazonie".

The CRED sent the letters of 22 October 2016 and of 10 December 2016 to Mr. Paul Biya through the Permanent Mission of Cameroon in Geneva firstly, in order to bring to his attention the incompetence of his presidency and secondly, to summon the current Government to administer Cameroon in good conditions, to secure the development of the country and the security of its people and to call for the resignation of the current President.

At the same time, a letter dated 12 December 2016 was also sent to Embassies, Consulates, international and regional Organizations, as well as financial and development institutions present in Cameroon, requesting them to stop all support to massive indebtedness policies implemented by Mr. Paul Biya and advising him to resign peacefully in order to allow a peaceful transition in Cameroon.

The situation has not changed since then. Therefore a third warning letter was served to Mr. Paul Biya on 15 August 2017 asking him to resign and to leave Cameroon in peace. The deadline is of 110 days.

The Cameroonian people have suffered from the tyranny and from the dictatorship under the reign of the Cameroonian President Mr. Paul Biya.

Accordingly, the CRED requests the International Community, and the Human Rights Council in particular, to take coercive measures in order to stop acts of State terrorism and the means and methods used by Mr. Paul Biya and the present authorities of Cameroon in order to bring about tyranny among the population.

Finally, the CRED requests the cooperation of the International Community in order to help to continue the consultations that have been started under the National Antidiscrimination Program of Cameroon - that the CRED coordinates - aimed for elaborating a peaceful transition program. The latter foresees the setting up of a federative and unifying political system in Cameroon as well as of a transition Government; Please find more information at http://pnad.ch/index.php?option=com_content&view=article&layout=edit&id=200 (in French).

Thank you for your assistance.

Mr Hilaire BELL
President of **CRED**
Coordinator National Anti-Discrimination Programme(PNAD)

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the World Muslim Congress, a non-governmental organization in general consultative status

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Please recycle

Restrictions on freedom of expression in Indian administered Jammu Kashmir

World Muslim Congress calls the attention of the UN Human Rights Council to the continuous deterioration of freedom of expression and other human rights in Indian administered Jammu and Kashmir. It has become a standard operating procedure for the authorities in Kashmir to suspend internet and telecommunication lines whenever they feel they want to contain public protests and criticism. The suspension deprives people of independent blogs, the online publication which is an important platform for discussions and also source of Information. The blockade also deprives the people from all forms of political mobilization, expressions of dissent and political opinions that criticize the Indian administration in Kashmir. The authorities in connivance with the Facebook administration censors posts of academics, Journalists, media organizations and common citizens about ongoing freedom struggle of Kashmir. People find their posts deleted without any warning or substantial explanation. Some even have their Facebook accounts deleted or suspended after posting about human rights violations perpetrated by the occupation forces, which is the flagrant violation of freedom of speech and expression.
During the year 2017, there were 39 instances of unreasonable curtailment and total suspension of telecommunication and internet rights which has seriously affected the freedom of opinion and expression pronounced in Article 19 of Universal Declaration of Human Rights (1948) which reads as "Everyone has the right to freedom of opinion and expression; the right includes freedom to hold opinion without interference and to seek and receive and impart information and ideas through any media and regardless of frontiers"

For cursory glance few instances are given below, which are sufficient proof to establish how authorities deprive people of this priceless right of freedom of expression by way of a ban on internet and telecommunication lines:

- On 17 April 2017, prepaid mobile internet services were suspended again as videos of torture, and human rights violations by forces during the electoral process began to circulate through social media. Students across the ten districts of the Kashmir division held marches, strikes and protests against a violent raid on a college campus district Pulwama. Broadband and postpaid mobile internet users experienced extremely slow connections (with mobile internet users receiving on the 2G signal on their devices) and could not load popular social media pages. According to reports the private broadband services providers received unofficial orders to restrict access to particular media platforms

- On 26 April 2017, The Jammu and Kashmir government (Home Department) issued an official order [Government Order No: HOME/ISA/476 of 2017 dated 26/04/2017] blocking 22 social media sites and applications including Facebook, WhatsApp and Twitter in the Kashmir division on the public order grounds citing the Indian Telegraph Act, 1885 and rules (2007) for a period of 1 month until 26 May 2017.

- On 6 July 2017, an official communication was issued to all internet service providers by the Inspector General of Police, Kashmir Zone, Srinagar titled 'Block all social media sites via Lease Line' was issued which directed them to block all social media sites on lease [broadband] lines in the Kashmir division, "in view of the apprehension of misuse of internet services by anti-national elements

- On 26 December 2017 Government announced that the law enforcement agencies will monitor the social media activities of government employees and call for legal action against them if anything they post or share is against the state's interests. The order also states that their freedom of speech will be restricted if maintaining law and order outweighs that concern.

These communication gags are deliberately designed to obliterate people's right to assemble and protest peacefully to press their demand for freedom and rights including their promised right to Self-determination –an assurance given to them by UN Security Council more than seven decades ago.

UN Special Rapporteur on freedom of opinion and expression Mr. David Key termed these restrictions as collective punishment and regretted that Kashmiris were being treated differently than the rest of Indian. He rightly observed that Indian behavior in Kashmir was not in line with the democratic norms though she prides herself for being the largest democracy in the world.

Media reporting in Jammu Kashmir is not only difficult but herculean in presence of seven hundred thousand occupation troops, whose illegal and unlawful acts are roofed under draconian laws like Armed Force Special Powers Act. The impunity granted to them from prosecution encourages them to assault, kill and arrest those who cover the anti- India protests and report honestly about the prevailing situation in Kashmir. One can gauge the situation under which a Kashmiri journalist has to operate their professional responsibilities by various incidents that happened last year. In September, a Kashmiri photojournalist Kamran Yousuf was detained by National Investigation Agency (NIA) for his alleged involvement in 'stone pelting' incidents. The young journalist was in fact covering the incident but he has been charged with sedition charges. This year even a visiting French journalist was taken into custody by police for violating visa norms. However, a trial court in Srinagar acquitted the Journalist Comiti Paul Edward from charges of visa violation and directed the authorities to return the seized passport and other accessories to the journalist.

The state action was not only confined to print media but also against electronic media. On May 7, J&K government suspended the transmission of at least 34 TV channels, on the perception that "they have the potential to encourage violence and can disturb law and order situation in Kashmir, and are not permitted for transmission.

Freedom of expression protects not merely ideas that are accepted but those that offend shock or disturb the state or any sector of the population. Such are the demands of the pluralism, tolerance and broadmindedness without which there is no democratic society but in Indian administered Kashmir authorities have criminalized the dissent and trampled this important right. The large number of Political activists who dissent are being kept in "Preventive custody" under Public Safety Act(PSA), and presently more than 2000 detainees are languishing in different detention centers in order to stop them from circulation which has ultimately deprives them for the right to liberty and freedom of expression.

To keep the pro-freedom leader away from masses and deprive them of the right to liberty and freedom of expression, the unlawful practice of detaining leaders in their residences for several months and years together is being widely practiced by the authorities in Jammu Kashmir.

World Muslim Congress urges the UN Human Rights Council to press India to:

- Immediately release all those held in prison for exercising their rights to freedom of opinion and expression;
- End the frequent ban on internet ;
- End the prosecutions and detention of journalists simply on the basis of the content of their journalism;
- Permit the reopening and independent operation of closed media outlets (including banned TV channels) and halt executive interference with independent news organizations, including in relation to editorial decisions and editors, pressure and intimidation against critical news outlets and journalists;
- End the far-reaching crackdown on freedom of expression that has consistently escalated since August, 2016;
- Review the Anti-Terror Law so as to ensure that counter-terrorism measures are compatible with Article 19(3) of the ICCPR;

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Please recycle

Human Rights situation of Indian administered Kashmir requires council's attention

As a subject of International Law, India is obliged as well to comply with the International Law, Covenants and internationally recognized human rights and is responsible for the violations of these rights committed by and attributed to its armed forces and paramilitary forces. The human right violations had reached at alarming level, therefore urgently requires Council's attention. Deprivation of Kashmiris self-determination has resulted in massive human rights violations.

Human rights originate from the self-determination. The enjoyment of human rights depends on the realization of the right to self-determination. The right to self-determination is the cornerstone of the international world order. Realization of this right is an essential condition to guarantee the observance, promotion and protection of all human rights. Therefore, the right to self-determination is included in Article 1 of the two Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights. These Covenants affirm the right to self-determination of all peoples by virtue of which they "freely determine their political status and freely pursue their economic, social and cultural development." It is applicable to all peoples whose self-determination has been suppressed.

History stands testimony to the fact that the United Nations Security Council had passed various resolutions on Kashmir that called for a free and impartial plebiscite under the UN auspices to allow Kashmiris to determine their future by themselves. Besides this, the then Prime Minister of India Mr. Jewahir Lal Nehru and Indian representative in the UN Security Council had made numerous commitments pledges that the Kashmiris will be given their right to decide their political destiny but Indian continued intransigent approach and the systematic human rights abuses has been the main impediment in bringing about an amicable settlement of the Kashmir dispute.

The right to self-determination had led millions of peoples across the globe to find their destinies. Kashmiris still wait for the implementation of UN resolutions on Kashmir. Indian forces in Kashmir in order to crush the people's voice for self-determination, has let loosed reign of terror with enactment of draconian laws that facilitates human right violations. Thousands of Kashmiris are disappeared, tortured and killed by indiscriminate firing and thousand are blinded by pellet firing by Indian forces. Kashmir has been turned into a huge prison where everyone is under arrest.

In order to continue the occupation, India has adopted multidimensional strategy:

a. India isolated the Jamm u and Kashmir from the rest of the world. International NGOs, press are not allowed. UN High Commissioner for Human Rights had requested India for access to UN fact finding team to Indian administered Kashmir which Indian has denied and High Commissioner for Human Rights mentioned this before the sessions of United Nations Human Rights Council (in 33th Session, 34th Session, 35th Session June 2017 and 36th Session). Why denial on part of India? Simply India was to hide its atrocities, does not want that worlds should come to know about these massive violations. On the other systematic reign of terror has been let loosed in form of torture, enforces disappearances, custodial killings, mass killings, attacking peaceful protests , even ambulances are attacked for taking injured to hospitals. Indian forces have been firing Pellet guns and bullets indiscriminately on peaceful protests. Medical reports show that bullets and pellets have been fired above the abdomen causing instant death and permanent disablement massively.

b. The human right violations are so massive that the government of India has enacted a series of black laws on Kashmir which give a legal cover to Indian army and paramilitary forces to suppress the popular demand of exercise of their right of self-determination. Under Section 4 of Armed Forces Special Powers Act, power to shoot to kill has been grant to Indian armed forces. They can shoot to kill anyone at discretion. This is against the International Covenant on Civil and Political Rights under Art.6 which expressly prohibit derogation from the right to life under any circumstances. Thus even during times of emergency or war, no one can be deprived of his life.

- The Act permits detention without charge or trial for long periods which violates Article 9 of International covenant on Civil & Political Rights.

- These acts permit to keep the identity and address of any witness in secret. This has resulted in fake trials and is directly contrary to the International Covenant on Civil and Political Rights Article 14.
- Under these acts, confession before a police officer has been declared a valid confession under Indian Evidence Act.
- Burden of proof is reverse. Accused has to prove that he is not guilty of offence.
- Very disturbing is the impunity the Government of Indian has granted to its armed and para military forces.
- No suit or can lie against any Indian soldier in any court of law. This situation has drastically increased the human rights violations there.
- Section 7 of Public Safety Act, if the state has a reason to believe that any person may or is likely to an act thereby the security of the state is threatened; he can be put in detention for two years.

C. To defeat the very purpose of the relevant United Nations Security Council resolutions, the Indian government is continuously working on its nefarious designs to change the demography of occupied Kashmir. State subject law and the protection to its inhabitants has been in place from 1927 and consequent upon the forcible occupation, the Government of India assured the protection of state subject law in Article 35A which bars Indian people to purchase land in the occupied Jammu and Kashmir. The government in New Delhi intends to abrogate article 35A with the intention to settle the Indian people in occupied Jammu and Kashmir, thereby causing demographic changes in Kashmir - a overwhelming Muslim majority into minority, thus to defeat the UN resolutions. The change in demographic composition will have serious impact of fundamental nature on the results of plebiscite, in accordance with the UN resolutions.

Indian administered Jammu and Kashmir is one such place where there is no rule book as far as media censorship goes. The Kashmiri journalists who document incidents of violation of human rights are often threatened or attacked. In Indian Held Kashmir, where women are kept as hostages by the occupation forces, subjected to rape and other inhuman and degrading practices as a political weapons and victims of dehumanizing poverty when the bread earners of their families are arbitrarily detained. According to one estimate 3000 half widows, a name to given to the women whose husbands have disappeared, are suffering from various mental illnesses.

The children in Kashmir under Indian occupation have become the worst victims of violence. The children have been killed by the Indian troops. Children there have been disappeared for years together and their parents still wait for their back. The Indian forces arrest children from the school and jailed in different parts of India, thousands of kilometres away from homeland -the Kashmir, this all is done to deprive them from legal aid and also to deprive their parents to see their children. This situation has created a mental syndrome for the parents in Indian administered Kashmir.
Since July 8, 2016, 291 persons have been killed, 20038 have been injured and among these about 4000 are facing permanent disablement, and 18172 arrested and a large among these have been taken to unknown destination and we don't know their fate. The pellet firing has caused permanent loss of eyesight of hundreds of our youth and 3086 Kashmiris have lost partial eyesight. Since 1990, India army has killed 94,767 Kashmiri men, women and children.
It is high time for the international community particularly the Human Rights Council to play its role for implementation of UN resolutions so that peace may also come to this region and the human rights abuses will come to an end.

United Nations A/HRC/37/NGO/20

General Assembly

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Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1801721

Please recycle

Report monitoring the hate speech of Bahraini officials, journalists and Twitter users in November 2017*

Conclusion

595 media materials and messages that incite or help to incite hatred were monitored in November through following what is published in four official Bahraini newspapers and 230 accounts on social networking sites. 58 of those hate materials were monitored after announcing the deterioration of Ayatollah Sheikh Isa Qassim's health, and 103 of them were due to the mysterious security incident in Buri, which resulted in the explosion of an oil pipeline. Among the hate materials were two episodes on Bahrain TV, one of which included hate materials against human rights organizations including Amnesty International. In addition, official figures and journalists, including Assistant Undersecretary for Information and Follow-up at the Prime Minister's Court, Ibrahim Al-Dosari, Ministry of Information Affairs' adviser, Sawsan Al-Shaer, former MP Mohammed Khaled, and journalists Faisal Al-Sheikh, Farid Hassan and Mona Mutawa, continued to incite hatred.

Local newspapers

The media materials and messages that incite or help to incite hatred were monitored in local newspapers as follows: 24 articles in the Bahraini Al-Ayam newspaper, 47 articles in Akhbar Al-Khaleej newspaper, 11 articles in the Bahraini Al-Bilad newspaper, and 55 articles in the Bahraini Al-Watan newspaper. In addition, there is hate vocabulary that has become commonly used in the official media including terms such as traitors and spies.

It is no coincidence that detainees subjected to torture and degrading treatment hear what we read in some Bahraini newspapers, such as the terms published by journalist Faisal Al-Sheikh in Al-Watan newspaper: traitors, homeland betrayers, spies, descendants of the Persians and the Magi, in addition to other terms, which were monitored in 11 of Al-Sheikh's articles last November. This happens because the culture of impunity has prevailed and the local press has transformed into a device that polishes the violations of the security system.

The monitored media materials of journalists Farid Hassan, Faisal Al-Sheikh, Mona Mutawa, and Sawsan Al-Shaer – who write for the Bahraini Al-Watan newspaper – and other journalists not only incite hatred but also help to instigate tightening the democratic space of civil society institutions.

Moreover, journalist Mona Mutawa published four hate-inciting articles and 13 social networking posts, including two articles on the mysterious security incident in Buri and two other articles on children on November 3 and 22. She has published several hate-inciting materials related to children in the past two months.

Hate materials after the announcement of the deterioration of Sheikh Isa Qassim's health

It is noteworthy that the provocative tweets and two newspaper articles monitored between November 27 and 30, 2017 following the announcement of the deterioration of the health of the highest religious authority for Shiites in Bahrain, Ayatollah Sheikh Isa Qassim, included certain terms, such as the tweet of @heleen_qahtani: "This is an infidel!" Also, journalist Said Al-Hamad described the news published in the media about the health of Sheikh Qassim as "lamentations on Persian satellite channels".

Social Media

The post of former MP Mohammed Khaled calling for "chopping the bodies of the accused and feeding them to the dogs" is his most hateful tweet out of 14 others that were monitored. In addition, Assistant Undersecretary for Information and Follow-up at the Prime Minister's Court, Ibrahim Al-Dosari, posted 14 hate materials on social networking sites. Two of the accounts that incite hatred continuously are @dar_al5lefya, which posted 31 tweets, and @muhrraqone, which posted 43 tweets.

Out of 1,223 media materials posted on the social networking sites: Facebook, Instagram, and Twitter, 103 materials that incite hatred were monitored over the mysterious security incident announced by the authorities relating to the explosion of an oil pipeline in Buri area.

In addition, Arabic hash tag # (Bahrain oil pipelines set on fire) has been extensively activated from Saudi Arabia after the first tweet was posted by **@SaudiNews50**, which is followed by more than 10 million followers, at 12:00 pm on 11/10/2017.

The BFHR collected and analyzed 1223 materials after noting the high rate of hate materials in the tweets that included this hashtag (Bahrain oil pipelines set on fire). The percentage of Saudi users who posted this hashtag in the first period was 66%. Then between November 10 and 30, 2017, this hashtag along with other hashtags relating to the subject were posted by the following percentages: KSA: 33%, Bahrain: 33%, United Arab Emirates: 33%. This raises questions about the role of the electronic Saudi army in broadcasting hate materials, and the nature of the cooperation between the electronic armies that media reports talk about in Bahrain, Saudi Arabia and the UAE with regard to inciting hatred.

Bahrain TV

The TV show "My Responsibility" hosted by Adviser of the Ministry of Information Affairs, Sawsan Al-Shaer, and aired on Bahrain's official television, broadcasted a number of hate materials in the two episodes that were monitored on 11/14/2017 and 11/21/2017.

The episode of "My Responsibility" that was aired on 11/14/2017 lasted for 32:52 minutes and included 18 hate-inciting phrases. 25 minutes into the episode, Al-Shaer disrespected the Shiite Muslims beliefs, especially those in Saudi Arabia, Kuwait and Bahrain, and described them as servants of the Islamic Republic of Iran. In addition, she disrespected the beliefs of Shiite Muslims about Imam Mahdi in more than one phrase throughout the episode.

In the episode of "My Responsibility" that was aired on November 21, 2017, hate messages against international human rights organizations, including Amnesty International, were monitored at 32:12. In addition, Al-Shaer published ten articles in the Bahraini Al-Watan newspaper and four tweets on social media that include hate-inciting materials. The BFHR was not able to check the hate materials in Sawsan Al-Shaer's episode aired on November 28 on Bahrain TV because YouTube stopped broadcasting the episode because it contained content from Alfan Music, which was blocked by YouTube due to copyright infringement.

Recommendations

1. The Bahraini authorities should take immediate measures to end the hate speech of state political figures and journalists because of their role in discrimination against Shiites.
2. The Bahraini authorities must take measures to counter hate speech of political figures and government journalists in the media and on social media.
3. Member States of the Human Rights Council should pressure the Bahraini authorities to bring domestic legislation in conformity with the 2008 Camden Principles and the 2012 Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred.
4. Amend Article 172 of the Penal Code promulgated by Legislative Decree No. 15 of 1976 to include the following: Punish anyone with legal or illegal authority, who practices discrimination or apartheid in violation of the principle of equality and equal opportunities between citizens on grounds of origin, color, religion, sect, faith or political opinion. Also, discrimination and apartheid in the article shall have the meanings set forth in the 1965 International Convention on the Elimination of All Forms of Racial Discrimination and the 1973 Convention on the Suppression and Punishment of the Crime of Apartheid. Moreover, if the perpetrator is a public sector employee or someone appointed to a public service, this shall be considered as an aggravating circumstance, and the discrimination and racial segregation shall be deemed to have occurred if an individual or a group of citizens is deprived of benefits, burdened by obligations, or labeled with labels that have non-specific criteria applicable to all citizens.

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*Bahrain Forum for Human Rights (BFHR), an NGO without consultative status, also shares the views expressed in this statement.

United Nations A/HRC/37/NGO/21

General Assembly

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Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1801579

Please recycle

30 Years After the war, Landmines still Kill and Maim Civilians In the Islamic Republic of Iran

It has been three decades since the end of the 8-year Iran-Iraq war (1980-1988), however, border landmines still take civilian lives. Men, women and children living in regions or even the frequent travellers fall victims to the 30-year old buried danger. This is why every once in a while reports about mine explosions in those Iranian regions hit the headlines in domestic newspapers.

The most recent mind blast was reported in December 4, 2017 in which an anti-tank mine[1] explosion left two women and one man killed. In October 2017, another mine blast in a western Iranian province on Iran- Iraq border killed one person and injured two other people who were serving in demining services in the region.[2] In another incident the same month, an Iranian soldier was killed in a mine explosion near the western Saqqez city. Three months earlier, domestic news outlets had reported death of four military personnel as a result of a mine blast in Kordestan province.[3]

Islamic Republic of Iran is among those countries with the highest contamination with landmines, with millions of mines still hidden under the ground. Some sources have estimated that there are 16 million mines hidden in the country border regions, making the country rank the second in the world in terms of mine contamination. Five border provinces in the west and southwest, namely, Kordestan, Kermanshah, Khuzestan, Ilam, and West Azerbaijan are still plagued with mines that have remained from the war with Iraq. According to official figures released in 2007, the area of lands contaminated with mines and other forms of unexploded ordnance remained from the war with Iraq are as follows: 1.38 million hectares in Khuzestan province, more than 400,000 hectares in Ilam province, 1,480 hectares in Kordestan province, 691,000 hectares in Kermanshah province, and 59,000 hectares in West Azerbaijan province.[4]

Mines, the legacy of Iraq invasion

Hossein Arian, who is a military analyst, in an interview with "Iran without Landmines Institute, has noted that Iraq had advanced weapons during the war, and took advantage of modern military technology. "Islamic Republic of Iran, however, lacked those weapons. Therefore, to prevent attacks by our country, which were usually carried out using the human wave tactic, Iraq had planted as many mines as it could along its borders with Islamic Republic of Iran,[5]" he added.

The analyst maintained that border regions in those Iranian provinces which neighbor Iraq are among "the most dangerous regions in the world" and demining activities going on in those regions have so far claimed the lives of a great number of Iranian military personnel and specialists. Although Islamic Republic of Iran started removing mines from border regions immediately after the war ended, but demining activities are still ongoing about three decades following the end of war.

According to the analyst, there are three reasons why demining the border regions has taken so long. The first reason is that Iraq had not mapped those regions where mines were planted and, therefore, there are no maps of landmines to expedite demining operations. Secondly, even if there were such maps, it must be noted that mines usually move along the layers of earth in the course of time. The third problem facing the country in this regard is lack of necessary technical facilities and equipment. During all the years that have passed since the end of the Iraqi imposed war, absence of new technologies and advanced demining equipment has caused those mines, which are leftovers of the Iraq invasion, to incur great loss of life on the Iranian nation. In the absence of modern demining equipment, Iranian military collects mines manually and many members of military as well as civilian forces have lost their lives doing this. Some

1 http://yon.ir/pS5C1
2 http://yon.ir/8q5ZQ
3 http://yon.ir/pS5C1
4 http://yon.ir/y7dO
5 http://iranwithoutlandmines.org/

officials at Iran's Defense Ministry have noted that the main reasons why demining is so difficult are "shortage of necessary equipment, topography of contaminated lands, and lack of maps showing mined areas."[6]

Unfortunately, Islamic Republic of Iran is alone in its struggle to remove mines from its territory and is doing this without any help from international bodies. Head of Iran's Demining Center took such international bodies to task on April 4, 2017, which marked the UN International Day for Mine Awareness and Assistance in Mine Action. He noted that Islamic Republic of Iran had received no advanced equipment from other countries in its demining drive.[7]

Recommendations:

Being seriously concerned with the situation of border civilians, including children, who lose their life and health in land blasts, the Organization for Defending Victims of Violence (ODVV) offers the following recommendations:

1. ODVV calls on the human rights council the Special Rapporteur on the Right to Health to invite the developed countries to offer the necessary technical support to Islamic Republic of Iran to remove the contaminated lands from landmines.
2. ODVV calls on the neighboring countries responsible for planting the mines to take the responsibility of demining the region too and cooperate with Islamic Republic of Iran in this process.
3. Islamic Republic of Iran has been deprived of IMZMA demining software due to the economic sanctions. ODVV holds the sanctioning countries responsible for the deaths and injuries of mine victims and calls on the countries to offer the victims with adequate compensation.
4. ODVV calls on all countries of the Middle East to join CCW (Convention on Certain Conventional Weapons) in order to prevent mind blast incidents in the future.
5. ODVV calls on all regional NGOs, concerned with landmines to cooperate with CMC (Cluster Munitions Coalition) in order to help collect land mines and prevent further mine casualties.

6 http://iranwithoutlandmines.org/?p=93

7 http://iranwithoutlandmines.org/?p=93

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Human rights situations that require the Council's attention

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2018]

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Please recycle

The United States of America and the United Kingdom of Great Britain and Northern Ireland Continue Military Exports to Saudi Arabia Neglecting International Law and Human Rights

In the current world, the increasing number of internal conflicts and skirmishes in countries are jeopardizing the international peace and security. The most important example of this jeopardy is the rising sales of weapons to Saudi Arabia despite the fact that this country has been involved in many cases of human rights violations in Yemen. For this reason, restricting arms sales to such countries is very important as it can help protect human rights in Yemen and reduce suffering of its people. Banning arms transfers, which can lead to violation of international humanitarian law, is among obligations undertaken by states in order to guarantee respect for international humanitarian law and this issue has been highlighted in the Common Article 1 to the Geneva Conventions.

All states are to be held responsible for arms transfers, which can lead to human rights violations, because there are some articles of human rights to which states have positive obligation. This means that a State Party must respect and ensure the rights laid down in the International Covenant on Civil and Political Rights to anyone within the power or effective control of that State Party, even if not situated within the territory of the State Party.[1] Therefore, those states that are suppliers of arms can be held responsible for those actions that are taken outside their territory by the means of weapons that they have produced.

Barbara Frey, Special Rapporteur for Prevention of Human Rights Violations Committed with Small Arms and Light Weapons, has emphasized in her report that there are norms according to which states must exercise due diligence in order to prevent human rights violations by the means of weapons that they export.[2] This issue has drawn attention of the United Nations General Assembly. In its various resolutions, the United Nations body, has asked State Members to formulate practical administrative and legal mechanisms to regulate and implement effective supervision over transfer of weapons.[3]

The government of Saudi Arabia, which has been among major customers of all kinds of weapons in the past two years, has launched a vicious attack on Yemen using as excuse a purported request by the country's former president, Abd Rabbuh Mansur Hadi, and the military campaign, which started in March 2015 and the war is still going on. As a result of Riyadh's military onslaught, civilian infrastructure of Yemen has been severely damaged, and a high number of civilians have been killed or injured.[4] Figures produced by various international organizations, including the United Nations, the Human Rights Council, Human Rights Watch and others show[5]

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1 General Comment No. 31, CCPR/C/74/CRP.4/Rev. 6, 29 March 2004, § 10

2 Working Paper, E/CN.4/Sub.2/2002/39, §35

3 §4 of A/RES/46/36/H, 6 December 1991, see also A/RES/48/75/F, 16 December 1993; A/RES/57/66, 30 December 2002, 30 December 2002; and in particular A/Res/58/42, 17 December 2003; See also §2 of Part II Programme of Action, A/CONF.192/15, 20 July 2001

4 A report by Amnesty International has highlighted extensive violations of human rights outside Saudi Arabia with special emphasis on the war on Yemen, which has culminated in various forms of war crimes, including bloody attacks on schools, hospitals and other civilian sites.

"Saudi Arabia to increase the stock of its military hardware, accounting for 7% of the world's arms imports," http://www.worldatlas.com/articles/world-s-largest-importers-of-military-arms.html

5 Available figures show that a total of 4,125 people, including children, have been killed and 7,207 others injured in Saudi-led coalition's attacks between March 2015 and October 2016. UN experts visiting the area have confirmed that the Saudi-led coalition shows no respect for international humanitarian law in its war on Yemen and has carried out, at least, 10 bombardments of Yemen's houses, markets, factories, hospitals and even a warehouse run by the international charity, Oxfam, which contained humanitarian aid for Yemeni people.

that the Saudi-led coalition has been involved in 72 cases of gross violations of international humanitarian law. These violations include arbitrary killing, attacking non-military sites, and blocking flow of humanitarian aid to civilians.[4] Saudi Arabia has been found in gross violation of human rights in the following cases:

A. Arbitrary killing: Saudi Arabia bombards civilian populations, especially using weapons, which cannot differentiate between military personnel and civilians, including cluster bombs. In addition to violating various aspects of international humanitarian law, use of such weapons has deprived Yemeni people of their right to life.

B. Gross violation of the right to security: The use of various weapons by Saudi Arabia against civilian sites, especially hospitals, not only amounts to violation of international humanitarian law, but also violates the right to security, because under these conditions, there is no safe place for the civilian population.

C. Gross violation of the right to food, education and housing: Heavy bombardment of Yemen by Saudi Arabia has so far caused many Yemenis to lose their homes and become homeless. On the other hand, Saudi Arabia has been pounding schools in Yemen, claiming that they shelter Houthi fighters, as a result, a large number of Yemeni children have been deprived of the right to education. Moreover, bombardments by Saudi Arabia have disrupted supply of aid, especially food, to people of Yemen, which is a gross violation of the right to food and health.[5]

In view of the above facts and frequent reports presented by international human rights bodies, transfer of weapons to Saudi Arabia under the present conditions is a potential threat to international peace and security. Therefore, total halt or at least suspension of arms supplies to Saudi Arabia, at any level and regardless of the type of those weapons, must be a top priority for weapon exporting countries.

Recommendations:

1. Our organization draws special attention of the UN Human Rights Council to the threat posed to humanity in Yemen as a result of disregard for standards and rules of selling weapons by both seller and buyer parties.
2. Our organization requests the United Nations and international governmental and nongovernmental organizations to become united in an effort to pressure Saudi Arabia to become a party to international treaties on arms sales and to make the country comply with rules of human rights and international humanitarian law.
3. Our organization asks all nongovernmental organizations concerned with the situation in Yemen to request the United Nations Security Council, through consultations and pressure on their governments, to hold an extraordinary meeting. That meeting must discuss the issue of transfer of weapons to countries violating human rights and international humanitarian law in a way that may lead to serious violations of the laws

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4 United Nations Human Rights Office of the High Commissioner, "Outrageous Attack on Funeral Makes International Investigation into Yemen Even More Vital" http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22063&LangID=E accessed 15 November 2017.

5 A Panel of Experts appointed by the UN produced a report on the Yemen Conflict. Please see UNSC, "Final Report of the Panel of Experts on Yemen," 31 January 2017, S/2017/81.

6 For example see UN Secretary General's Report on Children and Armed Conflict A/70/836–S/2016/360, April 20, 2016, Paras. 171 and 228; report from Human Rights Watch, "Targeting Saada – Unlawful Coalition Airstrikes on Saada City in Yemen" (June 2015); report from Amnesty International, Yemen: 'Nowhere safe for civilians': Airstrikes and ground attacks in Yemen (August 2015); CRC, Concluding observations on the combined third and fourth periodic reports of Saudi Arabia (2016) (October 2016), CRC/C/SAU/CO/3-4.

7 In a comment on the recent arms deal between the United States and Saudi Arabia in which Riyadh bought about 110 billion dollars worth of weapons from Washington, Amnesty International has described the United States' measure as a "glaring omission" of human rights.

http://www.independent.co.uk/news/world/americas/donald-trump-arms-deal-saudi-arabia-110-billion-9113-airstrikes-international-law-war-crimes-a7747076.html

US politicians challenge Donald Trump's multi-billion dollar Saudi Arabian arms deal. 'The United Nations and a number of human rights organizations documented a series of RSAF airstrikes on civilian targets including hospitals, markets, schools and a large funeral'

(compelling norms of international law and erga omnes obligations that states have towards the international community).

4. Our organization asks the international community to make a serious effort against arms export policies in Europe and the United States and force those respective countries to comply with regional and international rules and standards that govern global trade of weapons.

United Nations A/HRC/37/NGO/23

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Agenda item 6
Universal periodic review

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-01580(E)

1801580

Please recycle

The Universal Periodic Review*

The Universal Periodic Review (UPR) mechanism was established 11 years ago. Two rounds of the UPR have been already finished and, it is time to review this mechanism and, if needed, make revisions to it.

So far, the human rights situation in all member states of the United Nations has been reviewed twice, and according to a report by the UN High Commissioner for Human Rights, all those countries have cooperated with the mechanism. Therefore, one can claim that this mechanism has enjoyed full cooperation of all member states of the United Nations.

During the first two reviews, a total of 57,000 recommendations have been offered by various countries and 55 percent of those recommendations has been accepted by the States under Review. According to reports presented by countries during the second human rights review, some 19 percent of those recommendations have been implemented at a high level.[1]

Despite the fact that the UPR mechanism has achieved many of its primary goals, there are still challenges, which have caused problems for the achievement of the main goals of this mechanism, namely, promoting human rights through encouraging dialogue and interaction between states and non-state actors at international level. Without a doubt, overcoming these challenges will not be possible without being fully aware of their diverse aspects.

Challenges facing the Universal Periodic Review mechanism

A) Inadequacy of Technical and Contextual Discussions

The UPR mechanism is trying to promote situation of human rights through encouraging human rights dialogue among countries. However, the time allocated to review of each country by the UPR Working Group is no more than about 3.5 hours, during which no accurate scientific and contextual discussions can be expected to take place. Therefore, most discussions in the sessions are limited to political matters and there is less time to focus on technical solutions to the human rights challenges and result oriented discussions.

B) Limited Time Given to Governments to Speak

The time allocated to each government in the Human Rights Council sessions in the interactive dialogue with the State under Review is quite limited. Every State Party has only two minutes to raise questions or offer recommendations to the State under Review. This limited time restricts the ability of the recommending states to comment on the situation of human rights in the State under Review. Since about sixty, and sometimes fewer, states are able to deliver a speech during the aforesaid three-hour session, the time limit harms universality of the country review in the UPR session.

C) Politicization

Since the interactive dialogue conducted through the Universal Periodic Review is an interstate dialogue, political lobbies can shift the focus from more emphasis on human rights. Assigning a more active role to non-governmental organizations, by allocating them more time, will enable such organizations to offer their views in the form of oral statements and this can be a solution to avoid politicization of the UPR process.

D) Absence of a suitable mechanism to assess implementation of recommendations

Although recommendations have been the most important achievement of this mechanism and must be implemented by the State under Review, so far, no suitable mechanism has been devised to assess the extent to which those recommendations have been implemented.

E) General nature and repetitiveness of recommendations

Another point is the general nature of recommendations offered by various countries. While some recommendations encourage technical assistance and engagement of the State under Review in best practices, some other

[1] www.upr-info.org

recommendations are so general that seem to be incompatible with the goals of the UPR. General recommendations prevent any effective measure by the State under Review because assessing their implementation is also difficult. Meanwhile, lack of coordination among governments has sometimes led to repetition of some recommendations.

F) Membership of Serious human Rights Violators in the Human Rights Council

Another challenge facing the Human Rights Council is membership of the states, which are known for having committed the worst kind of human rights violations. According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), nine state parties to this Council, including Saudi Arabia, have been involved in violence against individuals who have been cooperating with the United Nations on human rights issues.

Recommendations:

The Organization for Defending Victims of Violence (ODVV), as an active nongovernmental organization in areas related to human rights, has been taking active part in UPR and has been constantly a witness to achievements and challenges of the mechanism. Therefore, it draws the attention of the Human Rights Council to major challenges that face this mechanism, because if the challenges are not overcome, the Human Rights Council may distance from its goals, as was the case with its predecessor, the United Nations Commission on Human Rights (UNCHR).

The following recommendations are offered in this regard:

- Prevent the time allocated to each government from being spent on insignificant issues, which stem from political considerations.
- The time allocated to nongovernmental organizations must be increased in order for more nongovernmental organizations to be able to offer their views when a country is under review. At the same time, a more active role must be assigned to such organizations.
- A mechanism must be devised to encourage the Working Group's sessions to focus more on technical solutions for human rights challenges, as is the case with other mechanism, such as the Special Procedures.
- The Human Rights Council must urge governments to avoid voting for continued membership of those states, which have the most serious records in human rights violations.
- The Human Rights Council should support the Universal Periodic Review, so that, in the cases in which countries are obligated to answer to and effectively cooperate with the UPR, other parallel mechanisms be side lined.
- A resolution must be formulated and adopted with regard to obligation of states to offer technical and useful recommendations away from political considerations. This can be an effective step to prevent politicization of the UPR mechanism by countries, which is currently one of the main challenges facing the mechanism.

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*Pouya Institute for Communications and Social Development, an NGO without consultative status, also shares the views expressed in this statement.

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Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1801874

Please recycle

The United States Violating International Commitments by Recognizing al-Quds as Israel's Capital

Background

The city of al-Quds (Jerusalem) has been always of high political, economic, geographical and especially religious importance throughout the history of the Middle East region and various religions, including Islam, Judaism and Christianity have paid special attention to it. Therefore, this city has been known as a symbolic and religious city and has been recognized as a "separate body[1]" by the United Nations. The goal has been to provide necessary support for this city, as a sacred place, and its residents as well.[2]

Due to importance and special status of al-Quds, all international actors, governments in particular, must take into account that any measure taken by them, especially those against their international commitments, will have a very profound impact on peace and security of people living in the occupied Palestinian territories and will cause many problems. Therefore, introducing and recognizing al-Quds as the capital of Israel or any action that would lead to such a situation, would be a potential threat to regional and international peace and security. This is why most governments discussed this issue at the United Nations General Assembly meeting on December 21, 2017, and noted that any such step taken by any political institution, including the government of the United States of America, would be invalid. The participants also urged all members of the United Nations to act upon the decisions and resolutions adopted by the United Nations Security Council when the city of al-Quds is at stake.

International rules governing the status of Palestine and al-Quds

Recognition of al-Quds as the capital of Israel by any political institution will, in fact, lead to a new situation that not only lacks legal and political legitimacy, but will be at odds with all international laws and commitments. All states and other non-state actors in the international community must know that recognition of this issue will not only amount to violation of many resolutions adopted, over a long period of time, by the United Nations Security Council and the General Assembly, but will also amount to serious violation of international commitments, frequently highlighted by various international covenants and conventions.

Paragraph 4, Article 2 of the Charter of the United Nations has noted that "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." Therefore, Israel and all countries, including the United States of America, are obligated to respect the right of the Palestinian people to self-determination. It follows that any form of territorial occupation through the use of threat or force must be considered illegitimate and any change in the geographical structure of this region will be violation of international commitments of countries. All members of the United Nations must note that in its Resolution 2334, adopted in 2016, the Security Council has emphasized this issue while reminding them of the fact that any change in 1967 borders, apart from changes agreed to by both sides, will lack validity. Any measures against this resolution will be, in fact, violation of international law. This issue has been underlined many times in various resolutions adopted by the Security Council, including resolutions 478 and 476 (1980).

Many years ago, in 1969, the Security Council adopted Resolution 267 in which it condemned as invalid, all measures that would lead to a change in the status of al-Quds and any change in its structure, whether through legislation or through administrative measures.

It must be also noted that recognition of al-Quds as the capital of Israel will, in fact, lead to the annexation of parts of the occupied territories to Israel and eviction of Palestinians, which will be an explicit violation of many international documents including, the Fourth Geneva Convention on the protection of civilian persons in time of war (1949), the Additional Protocol (I) to the Geneva Conventions (1977), The Hague Convention (1907), and the customary international humanitarian law, whose most important rule is negation of an occupation force's right to govern occupied

1. *Corpus separatum*, a Latin term used to describe the Jerusalem area in the 1947 United Nations Partition Plan for Palestine.
2. A/RES/181(II) 29 November 1947

territories. The point about enforcement of these rules is that with regard to the issue of Palestine, all governments are obligated not to recognize any illegal status relative to the occupied territories. In addition, all states have been committed to avoid any help or support that would lead to the maintenance of a status against the rights of the occupied territories. According to international rules, states must not recognize a situation, which has come about through violation of international commitments, including violation of human rights and international humanitarian law. This point was also highlighted in the advisory opinion of the International Court of Justice with regard to legitimacy of the construction of the Wall by Israel in 2004.[3]

Commitments of the international community with regard to Palestine and al-Quds

As a result of the above facts, all member states of the Four Geneva Conventions, including the United States, must guarantee Israel's commitment to international humanitarian law as noted in those conventions, including articles 49 and 53 of the Fourth Geneva Convention, instead of themselves helping violation of those rules. Announcement of al-Quds as the capital of Israel will, in fact, confirm all violations, already committed by Israel, against international commitments of the United States.

All states must know that recognition of such a status will restrict the basic rights of people living in the region, including the right to freedom of movement, access to religious sites, and the right to possession of properties. If this decision is put into effect in the near future, the result will be forced displacement of the Palestinian people under various pretexts. This measure will not only be at odds with the contents of the Universal Declaration of Human Rights, but will specifically violate the Fourth Geneva Convention, which considers as illegal any forced transfer of people from occupied territories for any reason.

All states, including the United States, as a member of the international community which is committed to the Charter of the United Nations and other international documents, must take steps in accordance with predefined laws and regulations and know that any decision to the opposite of this will jeopardize regional and international peace and security. All international actors must be aware that any measure they take must serve peace between the two sides, so that, the rights of people, especially those people who live in the occupied territories, will be protected. Any state not complying with these principles, will violate its international commitments and can be held to account.

Recommendations

We ask all members of the international system to take steps toward bolstering peace and security at regional and international levels and do not recognize any status that is against their international commitments. Governments, as the main political players in the international system, must avoid any measures that would contravene their commitments. Attention to decisions made by the United Nations Security Council and the General Assembly with regard to the issue of Palestine and Israel, in general, and relative to city of al-Quds, in particular, can provide a road map, which must be then followed by all members of the international community.

We, as a human rights nongovernmental organization, call on all regional and international nongovernmental organizations to join hands and pave the way for establishment of peace in the region and support the people of Palestine. At the present time, it is a duty for all nongovernmental institutions to strive toward just and peaceful settlement of disputes through their findings and through good understanding of all aspects of this issue. This collective activity will also increase awareness among governments and within the international system.

We, as a member of the international system, we urge governments not to take any step against decisions made on the issue of Palestine and Israel. Our organization condemns any action, which will amount to support for the occupation and confirm this illegitimate act.

3. Advisory opinions and orders on legal consequences of the construction of a wall in the occupied Palestinian territory, 9 July 2004

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Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1801876

Please recycle

Islamophobia

In the confrontation between the Western world and Islam, Islamophobia is not a new phenomenon, but it has increased in intensity during recent years. Many organizations have reported an increasing frequency of hate crimes and their intensity against Muslims and Muslim organizations, following the terror attacks on the United States of America soil on September 11, 2001. They say that in addition to verbal abuse, Muslims are exposed to and suffering from physical assaults, destruction of their property and murder.

Islamophobia in the United Kingdom of Great Britain and Northern Ireland

- Muslims are introduced as a problematic community in media and statements by government and police officials. This description has created an anti-Islam atmosphere in the UK. According to various opinion polls, hostility is being shown toward Muslims in different ways and under different covers. The British police have reported a rising rate of hate crimes against Muslims after the bomb attack in the city of Manchester and the terrorist attack on the London Bridge. In Manchester and after the bomb attack at a concert on May 22, 2017, a total of 139 attacks were reported against Muslims in the week that followed the attack, showing a fivefold increase compared to a week before.[1]

Islamophobia in France

- France has the biggest Muslim population among Western countries. However, its mainstream media introduce Muslims as foreigners and the country's judicial system has never offered powerful executive guarantees to prevent Islamophobic incidents. Following terrorist attacks in Paris in 2015, the country kicked off a violent anti-terror campaign, which intentionally targeted Muslims. Despite reduced rate of attacks against Muslims in France during 2016, the figures are still alarming. A report released by the Coordination against Racism and Islamophobia (CRI), noted that a total of 576 Islamophobic attacks were registered in France in 2016.[2]

Islamophobia in the United States of America

- Many opinion polls show that Islamophobia not only exists in the United States, but is on constant rise on an annual basis. Depiction of Islam and Muslims in the West as "other" stems from long-term clichés, which introduce Muslims as being violent, repressive, and bigoted. In addition, discrimination against Muslims has been intensified following 9/11 terror attacks.
- The U.S. President Donald Trump has a long history in inciting Islamophobia. Through messages that he posts on social media and also via media comments, he has clearly stirred an Islamophobic atmosphere in the United States. Islamophobic ideas of Trump have led to anti-Muslim incidents. In 2016, incidents targeting Muslims reached their highest following 9/11 terror attacks.
- The number of hate groups that specifically target Muslims in the United States increased almost three times in 2016 as Islamophobic hate crimes continued to rise in frequency. This sharp increase can be attributed to Donald Trump's campaign, whose success has strengthened far-right tendencies in the United States. As a result, the number of known anti-Islamic organizations active in the United States has increased from 34 in 2015 to 101 in 2016. On the other hand, the total number of hate groups in the United States increased for the second consecutive year from 892 to 917.[3]

- Only a few hours after Trump signed his executive order to suspend entry of immigrants and travelers from seven Muslim-majority countries, a mosque in Victoria, Texas, was set on fire. The latest figures released by the FBI show that hate crimes against Muslims increased by 67 percent in 2015. This was the same year that

1 https://www.theguardian.com/society/2017/jun/20/anti-muslim-hate-surges-after-manchester-and-london-bridge-attacks. Retrieved on 15 Jan 2018

2 European Islamophobia Report 2016

3 http://www.independent.co.uk/news/world/americas/donald-trump-blame-islamophobic-anti-muslim-ban-hate-crime-numbers-southern-poverty-law-center-a7582846.html, retrieved on 15 Jan 2018

trump started his election campaign. Many measures taken by Trump in line with his election campaign promises were banning the entry of Muslims to the United States, which were later mixed with the public anger over such terrorist attacks as the massacre of 49 people at a nightclub in Orlando, Florida, and further fanned the flames of Islamophobia in the United States."

Recommendations:

The Organization for Defending Victims of Violence urges the United Nations Human Rights Council to pay special attention to this issue, take necessary steps to identify its causes and consequences, and make an effort to solve this global problem.

- Arranging a meeting to be attended by officials of the United Nations and nongovernmental organizations aimed at promoting dialogue and exchange of views will be a very positive step in this regard. Such a meeting can boost mutual understanding and make these organizations even more resolute in their effort to push for domestic laws to be passed to support Muslims and criminalize measures taken against this minority.

- Introducing a mechanism to oversee measures taken by countries to eradicate Islamophobia in addition to provision of advisory services and proposals by the UN organs are among other steps that this world body can take to combat Islamophobia.

- We also urge the United Nations Educational, Scientific and Cultural Organization (UNESCO) to use its regional offices in order to train journalists to avoid using ethnic and religious clichés in their reports. UNESCO can also take steps in order to increase awareness among journalists and other media activists about issues that are related to Muslims and their cultural characteristics.

- Without cooperation between the United Nations and regional, national and nongovernmental organizations, it would not be possible to do away with Islamophobia and its consequences. We urge the United Nations to actively cooperate with members of the civil society for the resolution of this problem and take advantage of ideas offered by nongovernmental organizations in this regard.

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[1] Ibid.

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Follow-up to and implementation of the Vienna Declaration and Programme of Action

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Muslim Minorities in Myanmar, Saudi Arabia and the United States of America

Ethnic, linguistic, racial and religious minorities with different cultures, bring cultural and social diversity to every country. As a member of the international community, each country is obliged to observe the internationally accepted principles on minorities rights.

Article 20(19) of the Vienna Declaration (1993) on the rights of minorities and indigenous people, and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities stresses on these rights. Article 27 of the International Convention on Civil and Political Rights states: "religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language". Article 2(1) of the same Covenant also states: "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Article 1(3) of the UN Charter stresses on "promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language, or religion."

In spite of all these, conditions worsen for minorities across the world on a daily basis. For example, the rights of the Shia minorities, particularly in Saudi Arabia, is another subject that continually has been ignored, the situation of the Myanmar Muslims is deteriorating and in the United States of America, the president continues his hatemongering against Muslims and ethnic minorities.

Shia Minority in Saudi Arabia

The Shia make up approximately 10 percent of the population of Saudi Arabia and mainly live in the eastern regions (Ehsa Qatif) regions. They are constantly treated in a discriminatory way by the Saudi government and are treated like second class citizens. The conditions of the Shia in Medina is completely different to the aforementioned regions. The Medina mosques and Hosseniehs have been destroyed. The Shia are not permitted to express their religion openly and hold their religious services in public places. Furthermore, the Saudi government continually restricts the Shia from civil and political posts. Currently there are no top Shia diplomats or military officials in Saudi Arabia.

Attempts to forcefully convert the Shia to Sunni is another case of blatant violation of the freedom of religion and belief as stated in international documents. Since in 1997 Saudi Arabia joined the International Convention on the Elimination of all Forms of Racial Discrimination, but the government practices are contrary to the international obligations. Furthermore, the extensive discrimination that takes place against the Shia minorities and even women in Saudi Arabia, are contrary to the international commitments of the country and customary international law.
According to Article 32 of the Draft Articles on the Responsibility of States for Internationally Wrongful Acts, no state can refer to national laws to justify its non-compliance with international obligations. The Saudi government's reference to national laws as a tool to deprive women and the Shia from their fundamental rights is in full contrast to the States' international responsibility and common humanitarian law.

The Rohingya Minorities in Myanmar

The one million Rohingya Muslim population of Myanmar live in the Rakhine State in the western parts of the country. These people do not enjoy any citizen's rights whatsoever, because the Myanmar government does not deem them as Myanmar citizens. The Rohingya crisis in the country is due to the escalation of anti-Muslim feelings by the Buddhists in 2012, backed by the government, when massacres and ethnic cleansing were committed, leading to the death of hundreds of Rohingya Muslims. In the past two years we have witnessed the ethnic cleansing of Rohingya Muslims in western Myanmar. Currently, hundreds of thousands of the minority are living in terrible conditions in refugee camps and many lose their lives due to bad health and hygiene conditions every day. The Myanmar government is doing its

utmost to eject the Rohingyas out of the country through excessive use of force and blocking all channels of humanitarian aid.

This is while, Myanmar is a member of the International Convention on the Prevention and Punishment of Crimes of Genocide (1948). According to Article 6 of the Convention the Myanmar is obliged to bring all the perpetrators of these crimes to justice, within its borders. According to Article 8 of the Convention, in the event of the inability of the government to prosecute the criminals, the government can ask competent international bodies for assistance, otherwise the Myanmar will be deemed to fail in carrying out its commitments and will be held accountable at the international level. Also, Myanmar's failure to address the crimes effectively can lead to serious reaction of the international community and even the application of the responsibility to protect principle which can pave the way for referral of the case to the International Criminal Court.

Also, according to Article 127 of the Rome Statute and Article 4 of the Convention on the Prevention and Punishment of Crimes of Genocide, criminal state officials do not get impunity from prosecution. Also according to Article 91 of the Vienna Declaration (1993) of international bodies should pay attention to impunity.

Muslims in the United States

In the United States, Muslims have been subject to hate speech and hate crimes. The new administration's discriminatory approach towards Muslims has intensified the rate and the number of hate incidents[1] and the reports, including the FBI reports, indicate a significant increase[2] in the number of hate crimes and hate attacks against Muslims[3] in the United States. The tense situation for Muslims is further proved by the worries expressed by about 75 percent of the members of the Muslims as well as about 70 percent of the general public who believe that there is "a lot of discrimination against Muslims"[4] in the United States.

Recommendations:

Expressing serious concern about the situation of Muslims in Myanmar, Saudi Arabia and the United States, the Organisation for Defending Victims of Violence (ODVV) offers the following recommendations:

1. ODVV calls on the international community, particularly the Human Rights Council to provide a quick and short term solution for solving the Myanmar crisis and bring about the conditions for the repatriation of Rohingya refugees to their country and enjoyment of their fundamental rights.

2. ODVV calls on the Saudi government to officially recognise freedoms of the Shia minority in the country that include making a living and holding religious ceremonies.

3. ODVV calls on the United States new administration to seriously refrain from discriminatory remarks and thus igniting hatred against minorities especially the Muslims in the country.

4. ODVV calls on the United Nations Human Rights Council to address the situation of Shia Muslims in Saudi Arabia and Muslims in the United States and continue its current efforts to put an end to the heinous crimes committed against Muslims in Myanmar.

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1 http://theconversation.com/explaining-the-rise-in-hate-crimes-against-muslims-in-the-us-80304

2 http://www.pewresearch.org/fact-tank/2017/11/15/assaults-against-muslims-in-u-s-surpass-2001-level/

3 https://www.washingtonpost.com/news/post-nation/wp/2017/11/13/hate-crimes-in-the-united-states-increased-last-year-the-fbi-says/

4 Http://www.pewforum.com/2017/07/26/findings-from-pew-research-centers-2017-survey-of-us-muslims/

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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Charitable Institute for Protecting Social Victims, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2018]

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Please recycle

Psychological Traumas of Military Violence in the Middle East

The current wars in the Middle East have changed the lives of children and the youth who are fighting for survival. The psychological traumas they have been inflicted with, have affected them over decades and is grappling with their bodies and souls. Thus, deprivation of social services, homelessness and cycles of violence has created a lost generation.

According to studies, people in the Middle East and North Africa suffer from chronic mental and physical sicknesses, fatalities caused by and psychological instability. Thus, immense psychological pains and chronic psycho-physical sicknesses as a result, has created a generation of disregarded children.

The social of the region over the last two decades, has made day-to-day living very dangerous. Violent events have notably increased leading to the high rate of anxiety, depression and other mental disorders. To better understand the unfolded catastrophe, we can imagine children from the age of 2 or 3 till 20 who have witnessed the destruction and war in Iraq. A generation is lost who has spent its golden years of life with the violent developments of the region. Witnessing the killing of family members in itself is a psychological catastrophe which alters life completely.

Studies indicate that till the end of 2015 the rate of individual acts of violence in the region has increased by 150 percent and existing figures show a suicide increase rate of 30,000 individuals.1 It is necessary to mention that the destroyed political integrity of these countries have prevented the mentally ill generation to be screened and has failed to take the necessary steps to be taken to treat them. Outside the conflict zones too, a flood of refugees has poured into the neighbouring countries, refugees who would rather get involved in dangerous acts than protecting their own health. They struggle for food and protection for their children in their fight for survival. For this reason and towards efforts to fulfil their fundamental and basic needs, they do dangerous things. It is clear that under these circumstances mental health is ignored, because the main concern of these individuals is food.

The lost Middle East generation must be saved through long-term and comprehensive investments, just as was done in post Second World War Europe. In this framework, the Charitable Institute for Protecting Social Victims recommends the key players of the region, such as the Persian Gulf Arab countries alongside the rest of the powerful governments of the region, to provide economic, political and social resources needed for saving the lost generation. A collective strong will can allocate a part of the vast Middle East wealth to putting out the fire that has been burning the region for decades and offer viable solutions to the current challenges.

1 http://www.healthdate.org/news-release-mental-illness-suicide-and-%E2%80%unteractable-violence%E2%80%99-creating-%E2%80%99lost-generation%E2%80%99-middle